

Joint Standing Committee on Health and Human Services

LD 10

An Act to Prohibit Sale of Tobacco from Vending Machines

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP MAJ OTP MIN	

LD 10 proposed to repeal the provisions controlling sales of cigarettes from vending machines and prohibit such sales.

LD 42

An Act to Implement the Recommendations of the Commission to Examine the Rate Setting and Financing of Maine's Long-term Care Facilities **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

LD 42 reflects the recommendations of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities. It proposes to require the Department of Human Services to undertake pilot projects on long-term care reimbursement that are based on performance criteria, to report to the Joint Standing Committee on Health and Human Services on potential changes in the Medicaid principles of reimbursement for nursing facilities, to present a proposal to the Joint Standing Committee on Health and Human Services on minimum staffing requirements, to report to the Joint Standing Committee on Health and Human Services on a plan for paperwork reduction, to improve the provision of public information on long-term care and to report to the Joint Standing Committee on Health and Human Services on reducing or removing regulatory barriers to high-quality care. The bill proposes to require the Bureau of Insurance to report to the Joint Standing Committee on Health and Human Services on long-term care insurance and tax credits to encourage the purchase of long-term care insurance. The bill proposes to require the Commissioner of Human Services to report to the Joint Standing Committee on Health and Human Services on changes in the delivery of long-term care services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 77

An Act to Require the Retention of Medical Records

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAGLEY CASSIDY	ONTP	

LD 77 proposed to require health care records to be retained by health care practitioners and hospitals for three years for adults and six years for minors.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COTE PARADIS	OTP-AM	H-273

LD 80 proposed to allow a foster parent to be present when the Department of Human Services meets with the foster parent's foster child.

Committee Amendment "A" (H-273) proposed to replace the bill. It proposed to change the title, insert departmental discretion into the provision on foster parents attending meetings between the Department of Human Services and the children and add a provision allowing, until July 1, 2000, foster parents, preadoptive parents and relatives providing care for children to attend reviews and hearings under the Maine Revised Statutes, Title 22, section 4005-C unless specifically excluded by decision of the judge. It proposed to require reports to the Joint Standing Committee on Health and Human Services on December 31, 1999 and December 31, 2000. See also LD 107.

Enacted law summary

Public Law 1999, chapter 189 changes the title, inserts departmental discretion into the provision on foster parents attending meetings between the Department of Human Services and the children and adds a provision allowing, until July 1, 2000, foster parents, preadoptive parents and relatives providing care for children to attend reviews and hearings under the Maine Revised Statutes, Title 22, section 4005-C unless specifically excluded by decision of the judge. It requires reports to the Joint Standing Committee on Health and Human Services on December 31, 1999 and December 31, 2000. See also LD 107.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS ABROMSON	OTP-AM	H-38

LD 95 proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a study of the needs of the elderly population with mental retardation and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000.

Committee Amendment "A" (H-38) proposed to require the study of the needs of the elderly population with mental retardation to include input from consumers and advocates for consumers.

Enacted law summary

Resolve 1999, chapter 7 directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a study of the needs of the elderly population with mental retardation and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The study must include input from consumers and advocates for consumers.

LD 107

An Act to Amend the Laws Regarding Foster Parents

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS	ONTP	

LD 107 proposed to provide foster and preadoptive parents with the right to attend court hearings regarding the child and directs the Department of Human Services to increase the rate of reimbursement 15% from the current rate beginning July 1, 1999. See also LD 80.

LD 114

An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Human Services **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

LD 114 proposes to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services relating to the Department of Human Services. See also LDs 528, 975 and 1290.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 125

An Act to Lower the Age of Consent for the Donation of Blood

PUBLIC 10

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON LINDAHL	OTP	

LD 125 proposed to allow a 17-year old to consent to give blood.

Enacted law summary

Public Law 1999, chapter 10 allows a 17-year-old to consent to give blood.

LD 134	An Act to Prohibit Family Planning Agencies from Using State Funds for Certain Expenses Related to Abortion Services	ONTP
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<u>Sponsor(s)</u> AHEARNE	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 134 proposed to prohibit the use of state funds for construction or rent payments for facilities at which abortion services are provided or to fund abortions or abortion referral services.

LD 143	An Act to Reduce Prescription Drug Costs and Increase Coverage	ONTP
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<u>Sponsor(s)</u> TWOMEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 143 proposed to establish a prescription drug purchasing consortium and the Prescription Drug Distribution Program to enable the Department of Human Services to purchase drugs at favorable prices and make them available to consumers with incomes at or below 400% of the federal nonfarm income official poverty line. The bill proposed to establish a dedicated fund into which are placed the revenues from rebates and consumer purchases. The bill proposed an advisory committee that reports annually to the joint standing committees of the Legislature having jurisdiction over health and human services matters and appropriations and financial affairs to oversee the program. See also LDs 206 and LD 2082.

LD 149	An Act to Enact a Medicaid Anti-kickback Law	ONTP
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<u>Sponsor(s)</u> COWGER TREAT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 149 proposed to add an anti-kickback law to state Medicaid law. This bill proposed to make it a Class C crime for a person to offer, pay, solicit or receive remuneration of any kind in return for practices such as referring an individual for services or purchasing goods and services paid for by Medicaid.

LD 150	An Act to Require a Review of Contracts between Long-term Care Facilities and Consulting Pharmacists	ONTP
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<u>Sponsor(s)</u> COWGER CATHCART	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 150 proposed to require a nursing home to submit a copy of its agreement with a consulting pharmacist and require the Department of Human Services to review the agreement to ensure that the agreement does not violate state or federal law.

LD 169

An Act to Increase Eligibility for the Elderly Low Cost Drug Program

ONTP

Sponsor(s)
DOUGLASS

Committee Report
ONTP

Amendments Adopted

LD 169 proposed to direct the Department of Human Services to study income eligibility and sliding scale copayments in the elderly low cost drug program. The bill proposed to require a report containing recommendations for legislation and rulemaking.

LD 170

An Act Regarding a Prescription Drug Consortium

ONTP

Sponsor(s)
DOUGLASS
BOLDUC

Committee Report
ONTP

Amendments Adopted

LD 170 proposed to direct the Department of Human Services to establish or join with other states in a consortium for the purchase of prescription drugs for low-income and elderly Maine residents. The bill proposed to require a report to the Joint Standing Committee on Health and Human Services by January 1, 2000 containing recommendations for legislation and rulemaking. See also LD 2082 and LD 206.

LD 206

Resolve, to Establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies

**RESOLVE 75
EMERGENCY**

Sponsor(s)
LEMOINE

Committee Report
OTP-AM

Amendments Adopted
H-493
H-613 KANE

LD 206 proposed to establish the Maine Tax Filer's Prescription Medication Plan to provide medications to Maine residents at the lowest available prices through direct purchasing by the Department of Human Services.

Committee Amendment "A" (H-493) proposed to replace the bill with a resolve and add an emergency preamble and emergency clause. It proposed to establish the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies, a 16-member commission charged with studying bulk purchasing of prescription drugs and medical supplies and reporting to the Joint Standing Committee on Health and Human Services by December 1, 1999 a plan for bulk purchasing. The amendment also proposed to add an appropriation section.

House Amendment "A" to Committee Amendment "A" (H-613) proposed to reduce the size of the commission to 12 members, change the deadline for the first meeting to July 30, 1999, remove authority to hire consultants and restrict per diem and expense reimbursement to Legislators. The amendment also proposed to change the appropriation accordingly.

Enacted law summary

Resolve 1999, chapter 75 establishes the Commission to Study Bulk Purchasing of Prescription Drugs and Medical Supplies. The 12 member commission is charged with studying bulk purchasing of prescription drugs and medical supplies and reporting to the Health and Human Services Committee by December 1, 1999 a plan for bulk purchasing. See also LD 1926.

Chapter 75 was enacted as an emergency measure effective June 17, 1999.

LD 207

An Act to Clarify the Confidentiality of Health Care Information

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS FERGUSON	ONTP	

LD 207 proposed to amend the laws regarding the confidentiality of health care information by repealing the changes made in Public Law 1997, chapter 793 by the Second Special Session of the 118th Legislature. See LD 1653.

LD 237

An Act to Enhance Senior Volunteerism in Maine

P & S 44

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON KANE	OTP-AM	S-12

LD 237 proposed to require the Department of Human Services to provide a minimum of \$15,000 annually to each of the 8 community-based senior volunteer programs that received funding during fiscal year 1997-98. It also proposed to require that available funding be distributed equally among the programs.

Committee Amendment "A" (S-12) proposed to replace the bill. It proposed to delete the provisions regarding community-based agencies and add an appropriation of \$44,000 annually.

Enacted law summary

Private and Special Law 1999, chapter 44 provides \$44,000 to the Department of Human Services for senior volunteer programs.

LD 241

**An Act to Ensure that Autopsies and Toxicology Tests are
Performed on Commercial Drivers Killed in the Course of
Employment**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J CHIZMAR	ONTP	

LD 241 proposed to add commercial motor vehicle drivers who die during motor vehicle accidents that occur during the driver's scope of employment to the list of medical examiner cases for autopsy. The bill proposed to require the medical examiner to perform an autopsy and conduct toxicology tests on those commercial vehicle drivers.

LD 256

**An Act to Enhance the Health of Maine Citizens by Improving
Community Health Programs**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON		

LD 256 proposes to expand the responsibilities of the Maine Center for Public Health Practice to include evaluation of the health of Maine residents and the quality and effectiveness of health care and health programs and to require the center to make recommendations to improve the health of Maine residents and their access to health care and health programs.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 257

An Act Regarding General Assistance

PUBLIC 45

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN AMERO	OTP-AM	H-45

LD 257 proposed to increase from 110% to 140% of the applicable existing housing fair market rents, as established by the federal Department of Housing and Urban Development, the maximum aggregate level of assistance in the municipal ordinance requirements of the general assistance program.

Committee Amendment "A" (H-45) proposed to replace the bill, change the bill title, and allow municipalities to provide emergency assistance under the general assistance program when an emergency is imminent and failure to respond may result in undue hardship and unnecessary costs.

Enacted law summary

Public Law 1999, chapter 45 allows municipalities to provide emergency assistance under the general assistance program when an emergency is imminent and failure to respond may result in undue hardship and unnecessary costs.

LD 274 An Act Regarding Persons Who May Draw Blood for Blood Tests PUBLIC 32

<u>Sponsor(s)</u> CAMERON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-21
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LD 274 proposed to add registered lab technicians and certified phlebotomists to the list of persons who may draw blood samples to determine a person's blood-alcohol level or drug concentration.

Committee Amendment "A" (H-21) proposed to replace the title and the text of the bill. It proposed to allow persons qualified by professional training to draw blood samples for the purposes of blood-alcohol level or drug concentration tests under the Maine Revised Statutes, Title 29-A.

Enacted law summary

Public Law 1999, chapter 32 allows persons qualified by professional training to draw blood samples for the purposes of blood-alcohol level or drug concentration tests under the Maine Revised Statutes, Title 29-A.

LD 276 An Act to Require Review under the Certificate of Need Law When Health Care Services Are Terminated ONTP

<u>Sponsor(s)</u> MAYO	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 276 proposed to make the termination of a health service by a health care facility, including a hospital, subject to the certificate of need law. The bill also proposed to clarify that the termination of a health service includes the relocation of a health care facility to another municipality.

LD 286 An Act to Amend the Laws Concerning Release of Information on Hospitalized Individuals ONTP

<u>Sponsor(s)</u> STANWOOD	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 286 proposed to permit limited disclosure of health care information about an individual by a health care facility without a written authorization from the individual, including disclosure of admission and general condition of a patient to family or household members. LD 286 proposed to amend current law to permit any person to receive a statement of the fact of an individual's admission to or discharge from a health care facility. The bill proposed to limit the health care facilities from which this information can be obtained to those providing in-patient health care and that are not home health care providers, hospice programs, pharmacies, state mental health institutes or other named facilities. See also LD 1653.

LD 305**An Act to Provide Health Care Coverage to Certain Child Care Providers****ONTP**Sponsor(s)
POWERSCommittee Report
ONTPAmendments Adopted

LD 305 proposed to make the State Employee Health Plan available to a person providing child care for one or more children when payment for the care is provided by the Department of Human Services. It proposed to require the department to pay the premiums for the health coverage.

LD 332**An Act to Increase the Availability of Prescription Drugs for the State's Elderly****P & S 53**Sponsor(s)
KANE
PARADISCommittee Report
OTP-AMAmendments Adopted
H-657
S-432 MICHAUD

LD 332 proposed to expand the elderly low-cost drug program to cover those who meet the age and disability requirements and whose income is less than or equal to 185% of the federal poverty level. The current income limitation is approximately 131% of the federal poverty level. The bill proposed to direct the Department of Human Services to seek a Medicaid waiver from the federal Health Care Financing Administration to provide Medicaid prescription drug benefits for persons 62 years of age and over whose income is less than or equal to 185% of the federal poverty level. See also LD 1203 and Public Law 1999, chapter 401, Part KKK and Public Law 1999, chapter 531, Part F.

Committee Amendment "A" (H-657) proposed to require the Department of Human Services to apply for a waiver to provide Medicaid prescription drug benefits to the elderly and disabled up to 185% of the federal poverty line, beginning January 1, 2000 or as soon thereafter as possible.

Senate Amendment "A" to Committee Amendment "A" (S-432) proposed to replace the bill and direct the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt rules for the elderly low-cost drug program to allow consideration of an applicant's change in income from the previous year when the applicant has documentation of a substantial change in circumstances that alters the applicant's income by more than 10%.

Enacted law summary

Private and Special Law 1999, chapter 53 directs the Department of Administrative and Financial Services, Bureau of Revenue Services to adopt rules for the elderly low-cost drug program to allow consideration of an applicant's change in income from the previous year when the applicant has documentation of a substantial change in circumstances that alters the applicant's income by more than 10%.

LD 358

**An Act to Improve the Proximity of Health and Safety Services to
State-subsidized Homes for Children**

ONTP

Sponsor(s)
CAMERON

Committee Report
ONTP

Amendments Adopted

LD 358 proposed to require all new state-subsidized children's homes to be located within five miles of police, fire and ambulance services.

LD 369

**An Act to Increase the Amount of Income That a Resident of a
Nursing or Residential Care Facility Who Receives Medicaid May
Retain**

INDEF PP

Sponsor(s)
MENDROS
BERUBE

Committee Report
OTP-AM

Amendments Adopted

LD 369 proposed to require the Department of Human Services to adopt rules increasing the amount of income that may be retained by residents of nursing and residential care facilities.

LD 406

**Resolve, Regarding Legislative Review of Chapter 125: Health Care
Information that Directly Identifies an Individual, Major
Substantive Rules of the Maine Health Data Organization**

**RESOLVE 15
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-170

LD 406 proposed to provide for legislative review of Chapter 125: Health Care Information that Directly Identifies an Individual, major substantive rules of the Maine Health Data Organization.

Committee Amendment "A" (H-170) proposed to add a provision to the resolve approving the rule, Chapter 125: Health Care Information that Directly Identifies an Individual, provided that the rule becomes effective October 1, 1999.

Enacted law summary

Resolve 1999, chapter 15 authorizes the final adoption, with amendment, of Chapter 125: Health Care Information that Directly Identifies an Individual, rules of the Maine Health Data Organization, with an effective date of October 1, 1999.

Chapter 15 was enacted as an emergency measure effective April 30, 1999.

LD 428**Resolve, to Ensure the Delivery of Medicare and Medicaid Benefits****ONTP**

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 428 proposed to require the Commissioner of Human Services to report on the status of efforts to correct Year 2000 information system problems within the department. See also LD 2242.

LD 435**An Act to Include the Supporting Statistical Data in Mercury Warnings Relating to the Consumption of Fish****ONTP**

Sponsor(s)
PERKINS

Committee Report
ONTP

Amendments Adopted

LD 435 proposed to require that a fish consumption advisory based on a threat to public health from the presence of mercury in fish contain information on the data that support the advisory.

LD 442**Resolve, to Create a Study Group Regarding Pharmaceutical Guidelines for Geriatric Residents in Long-term Care Settings****RESOLVE 3**

Sponsor(s)
COWGER
GOLDTHWAIT

Committee Report
OTP-AM

Amendments Adopted
H-24

LD 442 proposed to direct the Department of Human Services to form a study group to develop guidelines for the use of pharmaceuticals to treat geriatric patients.

Committee Amendment "A" (H-24) proposed to remove reference to development of the pharmaceutical guidelines, add consumers and advocates for consumers to the study group membership, clarify that they are voluntary guidelines and add to the duties of the study group review of strategies for encouraging the use of the voluntary guidelines by health care providers.

Enacted law summary

Resolve 1999, chapter 3 directs the Department of Human Services to form a study group to review and recommend voluntary guidelines for the use of pharmaceuticals to treat geriatric patients, adds consumers and advocates for consumers to the study group membership, and adds to the duties of the study group review of strategies for encouraging the use of the voluntary guidelines by health care providers.

LD 453**An Act to Prohibit the Department of Human Services from Closing Adolescent Cases before 18 Years of Age****ONTP**Sponsor(s)

QUINT

RAND

Committee Report

ONTP

Amendments Adopted

LD 453 proposed to amend the Department of Human Service's duties regarding protection of abused and neglected children. It proposed to require, in the case of an adolescent for whom the department has received an abuse or neglect report, that the department continue to monitor the adolescent's welfare or take other appropriate protective actions until the adolescent reaches 18 years of age.

LD 491**Resolve, to Study the Use of Gross and Net Income in Eligibility for Public Benefits****ONTP**Sponsor(s)

SNOWE-MELLO

PARADIS

Committee Report

ONTP

Amendments Adopted

LD 491 proposed to direct the Department of Human Services to study the use of gross and net income in the determination of eligibility for public benefit programs. The bill proposed to require the department to submit a report to the Joint Standing Committee on Health and Human Services, including recommendations for legislation and rulemaking, by January 1, 2000.

LD 503**An Act to Delay the Implementation until October 1, 1999 of Public Law 1997, Chapter 793, "An Act to Provide for Confidentiality of Health Care Information."****PUBLIC 3
EMERGENCY**Sponsor(s)Committee ReportAmendments Adopted

LD 503 proposed to delay the implementation of Public Law 1997, chapter 793, on the confidentiality of health care information until October 1, 1999. See also LD 1653.

Enacted law summary

Public Law 1999, chapter 3 delayed until October 1, 1999, implementation of Public Law 1996, chapter 793 on the confidentiality of health care information.

Chapter 3 was enacted as an emergency measure effective January 14, 1999.

LD 515**An Act to Provide Additional Health Care Options to Disabled Persons and the Elderly****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS KIEFFER	ONTP	

LD 515 proposed to provide a home-based care option for elderly or disabled persons who qualify for nursing facility care or residential care reimbursed through the Medicaid program. The bill proposed to establish a reimbursement rate of 75% of the statewide average Medicaid reimbursement rate for the type of facility for which the person qualifies.

LD 528**An Act to Implement the Recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services Relating to the Department of Mental Health, Mental Retardation and Substance Abuse Services****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

LD 528 proposes to implement the recommendations of the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services related to the Department of Mental Health, Mental Retardation and Substance Abuse Services. See also LDs 114, 975 and 1290.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 563**An Act to Create Accountability for Money Spent on Auto Insurance for Participants in the TANF Program****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK DAVIS P	ONTP	

LD 563 proposed to require automobile insurance that is paid by the Department of Human Services through the emergency assistance Temporary Assistance for Needy Families program to be paid directly to the insurance carrier or agency and any refund to be paid to the department.

LD 595

An Act to Require the Department of Human Services to Pay Legal Expenses in Custody Cases When the Department of Human Services Loses

ONTP

Sponsor(s)
LIBBY

Committee Report
ONTP

Amendments Adopted

LD 595 proposed to require the Department of Human Services to pay the parents' or guardians' legal costs in child protection cases in which the court determines in a hearing that there should be no change in custody.

LD 610

Resolve, to Increase Access to Medicaid for People who Need Psychological Services

RESOLVE 73

Sponsor(s)
TOWNSEND

Committee Report
OTP-AM

Amendments Adopted
H-208
S-401 MICHAUD

LD 610 proposed to direct the Department of Human Services to increase the Medicaid reimbursement for psychological services.

Committee Amendment "A" (H-208) proposed to replace the resolve. It proposed to provide for an increase in the Medicaid reimbursement rate for licensed psychologists and licensed psychological examiners providing testing, treatment and evaluation services. It also proposed to add an appropriation section and an allocation section.

Senate Amendment "A" to Committee Amendment "A" (S-401) proposed to change the effective date of the increase in reimbursement from October 1, 1999 to October 1, 2000 and change the appropriations and allocations to reflect the effective date change.

Enacted law summary

Resolve 1999, chapter 73 directs the Department of Human Services to increase the Medicaid reimbursement for licensed psychologists and licensed psychological examiners providing testing, treatment and evaluation services beginning October 1, 2000.

LD 625

An Act Concerning the Authority of the Maine Health and Higher Educational Facilities Authority

ONTP

Sponsor(s)
TOWNSEND
HARRIMAN

Committee Report
ONTP

Amendments Adopted

LD 625 proposed to limit the types of nursing homes qualified to receive Maine Health and Higher Educational Facilities Authority assistance, to require nonprofit nursing homes to acquire a certificate of need before

receiving authority assistance and to require the authority to establish criteria for all applicants for authority assistance.

LD 645 **An Act to Require Disclosure of Ingredients in Tobacco Products** **ONTP**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 645 proposed to require manufacturers of cigarettes and smokeless tobacco sold in this State to disclose annually in reports to the Department of Human Services added constituents and nicotine yield ratings.

LD 656 **An Act to Adjust the Alternative Funding Mechanism for the Maine Public Drinking Water Commission** **INDEF PP**

<u>Sponsor(s)</u> NUTTING J PIEH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u>
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LD 656 proposed to require the Maine Public Drinking Water Commission to establish a drinking water fee to fund the staffing of the Maine Public Drinking Water Control Program. This fee would be imposed on community public water systems. Currently the annual fee is assessed on all public water supplies. This change would relieve noncommunity public water systems, such as restaurants, lodging places and schools from paying this fee. This bill also proposed to appropriate additional funds to go into the named account from the General Fund to fund 3 positions in the Maine Public Drinking Water Control Program, within the Department of Human Services, Bureau of Health, Division of Health Engineering.

LD 688 **An Act to Allow Medical History and Other Information to be Distributed to Immediate Family** **ONTP**

<u>Sponsor(s)</u> GOODWIN PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 688 proposed to amend current law so that the health care information a patient's family or household members may receive from a health care facility without written authorization would include the patient's physical, mental or behavioral condition, personal or family medical history or medical treatment or health care provided to the patient. See also LD 1653.

LD 693 **An Act to Alter the Administration of the Dental Cub Care Program** **ONTP**

<u>Sponsor(s)</u> MARVIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 693 proposed to require the Cub Care Program to be administered by a private third-party health benefits administrator licensed under the Maine Revised Statutes, Title 24 or 24-A beginning January 1, 2000.

LD 721

An Act to Amend the Radon Registration Act

PUBLIC 76

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER CATHCART	OTP-AM	H-91

LD 721 proposed to amend the Radon Registration Act to allow the Department of Human Services to authorize radon testing devices and facilities that are approved by the United States Environmental Protection Agency.

Committee Amendment "A" (H-91) proposed to replace the bill. It proposed to remove reference to the United States Environmental Protection Agency to allow radon testing devices and facilities that have proven their proficiency to the Department of Human Services.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 76 amends the Radon Registration Act to allow the Department of Human Services to authorize radon testing devices and facilities that have proven their proficiency to the Department of Human Services.

LD 725

**Resolve, to Study the Confidentiality of Information Regarding
Persons Receiving Services Funded in Whole or in Part by the
Department of Mental Health, Mental Retardation and Substance
Abuse Services**

RESOLVE 30

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MITCHELL B	OTP-AM	H-266

LD 725 proposed to restrict the release of mental health information among members of local service networks to information concerning persons whose care is paid for in whole or in part by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-266) proposed to replace the bill, changing it to a resolve. It proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the confidentiality of information regarding persons receiving services funded in whole or in part by the department and report its findings and any recommended legislation to the Joint Standing Committee on Health and Human Services by December 1, 2000. The study would include participation from consumers and providers of services, Legislators and local service networks and would consider the requirements of professional ethical standards and state and federal laws, rules and regulations.

Enacted law summary

Resolve 1999, chapter 30 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to study the confidentiality of information regarding persons receiving services funded in whole or in part by the department and report its findings and any recommended legislation to the Joint Standing Committee on Health and Human Services by December 1, 2000. The study must include participation from consumers and providers of services, Legislators and local service networks. The study must consider the requirements of professional ethical standards and state and federal laws, rules and regulations.

LD 733 An Act to Require the Department of Human Services to Pursue the Elderly Drug Waiver ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY	ONTP	

LD 733 proposed to provide a new time frame for the Department of Human Services to apply for a Medicaid waiver for prescription drugs for the elderly and require the submission of implementing legislation by December 1, 1999. See also Public Law 1999, chapter 401, Part KKK and chapter 531, Part F.

LD 734 An Act to Strengthen the Child Care Licensing Laws PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND PARADIS	OTP-AM	H-533

LD 734 proposed to clarify the legal basis for small, nonhome-based child care programs; strengthen penalties for illegal operations; provide a mechanism to close child care facilities immediately whenever conditions exist that threaten the welfare of children; and allow the Department of Human Services to issue temporary licenses when fully licensed providers move to new locations.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-533) proposed to clarify the language on fines in the bill. It proposed to add a provision that penalties be paid into the existing Purchased Social Services Other Special Revenue account. It proposed to require the Department of Human Services to adopt rules regarding the licensure of home day care providers and day care centers.

Enacted law summary

Public Law 1999, chapter 363 clarifies the legal basis for small, nonhome-based child care programs; strengthens penalties for illegal operations; provides a mechanism to close child care facilities immediately whenever conditions exist that threaten the welfare of children; and allows the Department of Human Services to issue temporary licenses when fully licensed providers move to new locations. It provides that penalties be paid into the existing Purchased Social Services Other Special Revenue account. It requires the Department of Human Services to adopt rules regarding the licensure of home day care providers and day care centers.

LD 758

**An Act to Allow the State's Laboratory Certification Program to be
Consistent with National Environmental Laboratory Accreditation
Program Standards**

PUBLIC 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B QUINT	OTP-AM	S-23

LD 758 proposed to make technical changes to Maine's laboratory certification program to make it consistent with the National Environmental Laboratory Accreditation Program requirements in order to compete in out-of-state markets.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (S-23) proposed to require a laboratory that tests a public water system for drinking program compliance mandates to forward a copy of the test results to the Department of Human Services. The amendment also proposed to limit testing by laboratories licensed under the Maine Revised Statutes, Title 38, section 413 to testing of their own waste discharges.

Enacted law summary

Public Law 1999, chapter 62 makes technical changes to Maine's laboratory certification program to make it consistent with the National Environmental Laboratory Accreditation Program requirements in order to compete in out-of-state markets. It requires a laboratory that tests a public water system for drinking program compliance mandates to forward a copy of the test results to the Department of Human Services. It limits testing by laboratories licensed under the Maine Revised Statutes, Title 38, section 413 to testing of their own waste discharges.

LD 777

An Act to Require Nursing Facilities to Use Standardized Contracts

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT BERUBE	ONTP	

LD 777 proposed to require the Commissioner of Human Services to adopt rules to require every nursing facility to adopt a standardized nursing home contract prescribed by the department. The bill proposed the standardized contract to clarify the rights and obligations of residents and enable residents and their families to compare the rates charged and services offered by different nursing homes.

LD 845

**Resolve, Directing the Department of Human Services to Study
Methods to Increase Access to Health Care for Low-income Maine
People**

RESOLVE 29

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MITCHELL B	OTP-AM	H-265

LD 845 proposed to create the MaineCare program to provide medical assistance to needy Maine individuals with incomes under 125% of the federal poverty level.

Committee Amendment "A" (H-265) proposed to replace the bill with a resolve, and require the Department of Human Services to study methods by which to provide health coverage to adults with incomes below 125% of the federal poverty level.

Enacted law summary

Resolve 1999, chapter 29 requires the Department of Human Services to study methods by which to provide health coverage to adults with incomes below 125% of the federal poverty level.

LD 867

**Resolve, to Amend the Requirements for Alcohol and Drug
Treatment Programs**

RESOLVE 22

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND	OTP-AM	S-88

LD 867 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules regarding alcohol and drug treatment program staffing and personnel.

Committee Amendment "A" (S-88) proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by November 1, 1999 regarding alcohol and drug treatment programs to allow program staffing and supervision by personnel professionally qualified and experienced in alcohol and drug abuse treatment and to eliminate the requirement that personnel be qualified as one particular type of alcohol and drug abuse professional.

Enacted law summary

Resolve 1999, chapter 22 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by November 1, 1999 regarding alcohol and drug treatment programs to allow program staffing and supervision by personnel professionally qualified and experienced in alcohol and drug abuse treatment and to eliminate the requirement that personnel be qualified as one particular type of alcohol and drug abuse professional.

LD 881**An Act to Require the Department of Human Services to Pay for
Child Care for Children of Teen Parents Enrolled in High School****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER DAGGETT	ONTP	

LD 881 proposed to require the Department of Human Services to make available child care and child care subsidies for teenage parents who do not receive benefits under the temporary assistance for needy families program and who attend high school.

LD 918**An Act to Mandate Abortion Reporting Standards****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN BERUBE	ONTP	

LD 918 proposed to require the completion of abortion reports that are already required for the Department of Human Services and provide a forfeiture for failure to complete the forms.

LD 956**Resolve, to Implement the Recommendations of the Task Force to
Study Strategies to Support Parents as Children's First Teachers****RESOLVE 79**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER LAWRENCE	OTP-AM MAJ OTP-AM MIN	H-623 S-454 MICHAUD

LD 956 which was jointly referred to the Health and Human Services Committee (the lead committee) and the Education and Cultural Affairs Committee proposed to implement the following recommendations of the Task Force to Study Strategies to Support Parents as Children's First Teachers. The resolve proposed to:

1. Direct the Department of Human Services to expand home visiting services to the parents of all newborn children in the State, if the parents desire the services, beginning January 1, 2000, until those children attain the age of five years.
2. Direct the Department of Education to include a course of study in parenting education in its development of curricula and include this course of study in the learning results assessment of students.

The resolve also proposed to change the name of the task force to the "Task Force on Early Care and Education." It proposed to direct the task force to monitor the development of the process that supports home visiting programs by the Department of Human Services and the development of a course of study in parenting education by the Department of Education and to further study the needs of and for family resource centers. The resolve proposed to add two more members who are Legislators to the task force and extend the life of the task force until January 15, 2001. See also LD 1315.

Committee Amendment "A" (H-623) is the majority report of the Joint Standing Committee on Education and Cultural Affairs and the Joint Standing Committee on Health and Human Services. The amendment proposed to replace the resolve. It proposed to retain the provisions of the resolve expanding home visiting services, require an evaluation component, allow voluntary donations on a sliding scale by families upon termination of services to those families and make General Fund appropriations to fund home visiting services. It proposed to change the name of the task force to the "Task Force on Early Care and Education." It proposed to direct the task force to monitor the development of the process that supports home visiting programs by the Department of Human Services. It proposed to delete reference to a course of study in parenting education. The amendment proposed to retain the provisions of the resolve that add two more members who are Legislators to the task force and extend the life of the task force until January 15, 2001. It proposed to require an interim report of the task force before January 15, 2000 and a final report before January 15, 2001. It also proposed to add an appropriation of \$1,622,600 in FY 1999-00 and \$6,408,440 in FY 2000-01.

The provisions of the resolve and the committee amendment expanding home visiting services, requiring an evaluation component to the program and allowing voluntary family donations on a sliding scale upon termination of services to those families were included in the Part II Budget, Public Law 1999, chapter 401, Part LLL.

Senate Amendment "A" to Committee Amendment "A" (S-454) proposed to eliminate the General Fund costs of the bill by \$1,622,600 in fiscal year 1999-00 and \$6,408,440 in fiscal year 2000-01. A General Fund appropriation of \$1,620,000 was included in the Part II Budget, Public Law 1999, chapter 401, Part LLL.

Enacted law summary

Resolve 1999, chapter 79 renames the Task Force to Study Strategies to Support Parents as Children’s First Teachers. The new name is the Task Force on Early Care and Education. The task force membership is expanded to include two additional legislators. An interim report is required from the task force by January 15, 2000 and a final report by January 15, 2001

LD 959

An Act to Clarify the Standard for Cause in the Request for Proposal Process for the Department of Mental Health, Mental Retardation and Substance Abuse Services

**VETO
SUSTAINED**

<u>Sponsor(s)</u> FULLER MITCHELL B	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-709
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LD 959 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to make a determination that good cause exists prior to placing existing services out to competitive bid. Good cause would be defined to include the failure of the current provider to adhere to program, policy or performance criteria, to correct deficiencies, to improve services or to reduce costs, repeated and substantiated complaints against the provider, a material change in circumstances or other reasonable causes as provided by regulation. The bill proposed to also require the department to give providers of existing services 90 days notice prior to issuance of a request for proposals.

Committee Amendment "A" (H-229) proposed to replace the bill. It proposed to place into law the procedures and grounds to be used when the Department of Mental Health, Mental Retardation and Substance

Abuse Services undertakes competitive bidding of a contract for existing services. It proposed to enact provisions on good cause, protection of consumers of services and qualifications of prospective bidders.

Committee Amendment "B" (H-709) proposed to replace the bill. It proposed to place into law certain procedures and grounds to be used when the Department of Mental Health, Mental Retardation and Substance Abuse Services undertakes for competitive bidding a contract for existing services. It proposed to enact provisions on good cause, protection of consumers of services and qualifications of prospective bidders. It proposed to correct two errors in the language of Committee Amendment "A".

The bill was enacted and subsequently vetoed by the Governor.

LD 975

An Act to Establish a Mental Health, Human Services and Corrections Ombudsman

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND PENDLETON		

LD 975 proposes to create the Office of Mental Health, Human Services and Corrections Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in the State's mental health, human services and corrections systems and to provide independent clinical oversight for cases in the State's mental health, human services and corrections systems. See also LDs 114, 528 and 1290.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1002

Resolve, to Comprehensively Address Protection of Public Health and Natural Resources

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	ONTP	

LD 1002 proposed to transfer the Division of Health Engineering to the Department of Environmental Protection from the Department of Human Services, and the eating and lodging program from the Department of Human Services to the Department of Agriculture, Food and Rural Resources effective July 1, 2000. It proposed to direct the Department of Environmental Protection and the Department of Agriculture, Food and Rural Resources to propose legislation necessary to make the transfers by January 1, 2000.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE GOLDTHWAIT	OTP-AM	H-93

LD 1012 proposed to require health care practitioners working in health care facilities to wear identification tags that clearly display the practitioner's first name and surname, licensure status and profession, occupation or staff position. It proposed to provide an exception to the identification tag requirement for reasons of safety. It proposed to provide penalties for the failure to meet the identification requirement.

Committee Amendment "A" (H-93) proposed to change the bill to a resolve. It proposed to direct the Department of Human Services to adopt rules regarding the wearing of identification badges by persons who provide services in health care facilities licensed by the department. It proposed to require that if the rules require certain employees to wear identification badges in some situations in some facilities, the rules must contain exceptions for situations in which wearing an identification badge would create a safety hazard.

Enacted law summary

Resolve 1999, chapter 12 directs the Department of Human Services to adopt rules regarding the wearing of identification badges by persons who provide services in health care facilities licensed by the department. If the rules require certain employees to wear identification badges in some situations in some facilities, the rules must contain exceptions for situations in which wearing an identification badge would create a safety hazard.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER MITCHELL B	OTP-AM	H-207 H-338 KANE

LD 1025 proposed to require the Department of Human Services to adopt rules to lengthen from 7 to 14 days the assessment period for MED '96 assessments for long-term care services.

Committee Amendment "A" (H-207) proposed to replace the resolve. It proposed to require the Department of Human Services to undertake a historical study of persons with chronic medical conditions and their qualification and disqualification under the Medical Eligibility Determination Assessment procedure. The department would be required to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The committee would be authorized to report out legislation as a result of the report.

House Amendment "A" to Committee Amendment "A" (H-338) changes the reporting date in the committee amendment to December 31, 1999.

Enacted law summary

Resolve 1999, chapter 31 requires the Department of Human Services to undertake a historical study of persons with chronic medical conditions and their qualification and disqualification under the Medical Eligibility Determination Assessment procedure. The department is required to report to the Joint Standing Committee on Health and Human Services by December 31, 1999. The committee is authorized to report out legislation as a result of the report.

Chapter 31 was enacted as an emergency measure effective May 17, 1999.

LD 1065 An Act to Increase Fines for Long-term Care Facilities that Fail to PUBLIC 99
Provide Quality Care to Residents

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE LOVETT	OTP-AM	S-31

LD 1065 proposed to double the fines that the Department of Human Services may impose on long-term care facilities that the State has determined should be sanctioned because of lack of compliance with state rules and establish a minimum fine of \$500 for operating without a license. It also proposed to require that the department make information on the health and safety records of long-term care facilities readily available to citizens of the State by publishing the names of those facilities cited for deficiencies.

Committee Amendment "A" (S-31) proposed to clarify that penalties may be imposed for operating without a license or for other violations of Title 22, chapter 1666-B. It proposed to delete the provision that would have required the Department of Human Services to publish lists of long-term care facilities cited for significant deficiencies.

Enacted law summary

Public Law 1999, chapter 99 doubles the fines that the Department of Human Services may impose on long-term care facilities that the State has determined should be sanctioned because of lack of compliance with state rules and establishes a minimum fine of \$500 for operating without a license. It clarifies that penalties may be imposed for operating without a license or for other violations of Title 22, chapter 1666-B.

LD 1084 An Act to Create a Monitoring Program in the Department of ONTP
Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	ONTP	

LD 1084 proposed to require the Department of Human Services to establish a monitoring system for telephone and personal interviews with clients of the department. The bill proposed to require telephone calls subject to the monitoring system be made on compatible equipment and interviews to be conducted in compatible locations.

LD 1105	Resolve, Regarding the Competitive Bidding Process for Mental Health Services	ONTP
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<u>Sponsor(s)</u> GLYNN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1105 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules regarding contracting for mental health services.

LD 1106	An Act to Establish Ratios of Direct-care Providers to Nursing Home Residents	ONTP
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<u>Sponsor(s)</u> SAXL J GOLDTHWAIT	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1106 proposed to require the Department of Human Services to establish specific ratios of direct-care nursing staff to patients in nursing homes.

LD 1125	An Act to Modify the State's Safe Drinking Water Laws	PUBLIC 77
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<u>Sponsor(s)</u> MCKEE BERUBE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-92
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LD 1125 proposed to authorize the Commissioner of Human Services to require each community water system to prepare and provide to each customer of the system at least once annually a consumer confidence report containing information required by the United States Environmental Protection Agency. It proposed to clarify state laws to better reflect the federal law authorizing the state revolving loan funds. The bill also proposed to provide public water systems the maximum loan terms allowable under the federal state revolving loan fund legislation.

Committee Amendment "A" (H-92) proposed to clarify that the consumer confidence report covers levels of detected regulated contaminants and detected unregulated contaminants for which monitoring is required.

Enacted law summary

Public Law 1999, chapter 77 authorizes the Commissioner of Human Services to require each community water system to prepare and provide to each customer of the system at least once annually a consumer confidence report containing information required by the United States Environmental Protection Agency, and it clarifies state laws to better reflect the federal law authorizing the state revolving loan funds. It also provides public water systems the maximum loan terms allowable under the federal state revolving loan fund legislation. It clarifies that the consumer confidence report covers levels of detected regulated contaminants and detected unregulated contaminants for which monitoring is required.

LD 1132

An Act to Establish Minimum Criteria for Siting Community Living Arrangements

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	ONTP	

LD 1132 proposed to require community living arrangements to show their impact on local communities and obtain a certificate of need before a state agency decision to fund the arrangement.

LD 1169

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

PUBLIC 529

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM MAJ	S-455 MICHAUD
MAYO	OTP-AM MIN	S-72

LD 1169 proposed to include quality child care as an integral part of the overall statewide goals and objectives for child abuse prevention activities of the Maine Children's Trust Incorporated. This bill proposed to expand the definition of prevention programs to include the promotion of high-quality child care and require that the names of both the successful and unsuccessful applicants for the trust's grants be submitted to the Legislature.

Committee Amendment "A" (S-72) is the majority report of the Joint Standing Committee on Health and Human Services. It proposed to clarify that information about applicants to the Maine Children's Trust would be made public only with the applicants' permission. It proposed to add a study commission to review the mission, performance and accountability of the trust. It proposed to add an appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-455) removes the provisions that establish the Maine Children's Trust Study Committee.

Enacted law summary

Public Law 1999, chapter 529 includes quality child care as an integral part of the overall statewide goals and objectives for child abuse prevention activities of the Maine Children's Trust Incorporated and expands the definition of prevention programs to include the promotion of high-quality child care.

It requires that information about applicants to the Maine Children's Trust be made public with the applicants' permission.

LD 1180

**An Act to Require Additional Vaccines for Employees of Health
Care Facilities**

PUBLIC 378

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-603

LD 1180 proposed to require hospital and designated health care facility employees to be immunized against Hepatitis B. It also proposed to require staff and volunteers of nursing homes and extended care facilities to be immunized annually against influenza.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-603) proposed to replace the bill. It proposed to clarify that the Hepatitis B immunization requirements apply to all employees in hospitals and designated health facilities that are at risk of direct occupational exposure to blood or body fluids. It proposed to require nursing facilities and licensed assisted living facilities to adopt policies recommending and offering influenza immunizations to direct care personnel.

Enacted law summary

Public Law 1999, chapter 378 provides that the Hepatitis B immunization requirements in Title 22 apply to all employees in hospitals and designated health facilities that are at risk of direct occupational exposure to blood or body fluids. It requires nursing facilities and licensed assisted living facilities to adopt policies recommending and offering influenza immunizations to direct care personnel.

LD 1203

**An Act to Increase Access to Prescription Drugs for the Elderly and
for Disabled Persons**

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE LOVETT	OTP-AM	

LD 1203 proposed to expand eligibility for the elderly low-cost drug program to 300%, with persons above 185% paying increased co-payments on a sliding scale depending on family incomes compared with the federal poverty line. It proposed to preserve the provisions that allow eligibility to be determined in part on the cost of prescription drugs. It proposed to expand the prescription drugs available under the program to the same prescription drugs that are offered under the Medicaid program. It also proposed to add eligibility for disabled persons to the Medicaid waiver application for a Medicaid prescription drug program.

See the Part 2 budget, Public Law 1999, chapter 401, Part KKK and Public Law 1999, chapter 531, Part F.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER KILKELLY	OTP-AM	H-102

LD 1210 proposed to expand the authority of the Department of Human Services to adopt rules governing licensing of persons to evaluate soils and to design subsurface wastewater disposal systems. The bill also proposed to raise fees for the examination of licensed site evaluators and the site evaluator license.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-102) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 86 expands the authority of the Department of Human Services to adopt rules governing licensing of persons to evaluate soils and to design subsurface wastewater disposal systems including the competence and ethics of licensees and the revocation of licenses. This law also raises fees for the examination of licensed site evaluators and the site evaluator license to cover the cost of administering the program.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER KONTOS	OTP-AM	H-131 S-393 MICHAUD

LD 1228 proposed to require the Department of Human Services to adopt rules increasing the payments to foster parents by \$50 per month. It also proposed to designate the rules as routine technical rules.

Committee Amendment "A" (H-131) proposed to add an appropriation and an allocation.

Senate Amendment "A" to Committee Amendment "A" (S-393) proposed to change the effective date of the increase to October 1, 2000 and change the appropriations and allocations to reflect this date.

The bill as amended was enacted by the Legislature and subsequently vetoed by the Governor.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER	ONTP	

LD 1229 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to adopt rules by January 1, 2000 regarding community mental health services. The bill proposed to require contracts to separate fixed-amount grant funds from Medicaid reimbursement funds, which would vary with the amount of services rendered by the mental health services provider.

LD 1270 An Act to Provide Child Care Subsidies for Families Who Lose Coverage under the Temporary Assistance to Needy Families Program PUBLIC 383

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP	

LD 1270 proposed to authorize the Department of Human Services to provide transitional child care services to families who elect to discontinue receiving TANF benefits but who have earned income. See Part 2 budget, Public Law 1999, chapter 401, Part A-4.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 383 authorizes the Department of Human Services to provide transitional child care services to families who elect to discontinue receiving TANF benefits but who have earned income.

LD 1283 An Act to Expand Access to the Elderly Low-cost Drug Program ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANWOOD	ONTP	

LD 1283 proposed to lower the eligibility requirements for the elderly low-cost drug program to allow a household that spends at least 25% of its income on prescription drugs to participate in the program. See also Public Law 1999, chapter 401, Part KKK and chapter 531, Part F.

LD 1290 An Act to Create the Position of Ombudsman in the Department of Human Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN		

LD 1290 proposes to create the Office of Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in matters in the Department of Human Services and to provide independent clinical oversight for cases in the Department of Human Services.

This bill also proposes to give Legislators access to records maintained by the ombudsman relating to child custody cases in which the department is involved, as long as the parents of the child agree. See also LDs 114, 528 and 975.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1296 Resolve, to Create the Task Force to Explore Alternative Payment Mechanisms for Dental Health Care INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN PARADIS	OTP-AM	

LD 1296 proposed to create a task force of 7 members to study payment mechanisms for dental health care different from the existing Medicaid reimbursement system. The alternative payment mechanisms could include voucher systems, copayments or other mechanisms that allow for fair compensation to a dentist while reducing the amount of paperwork and administration of the payment process. The task force would report recommendations and possible proposed legislation concerning alternative payment mechanisms for dental health care to the Joint Standing Committee on Health and Human Services by December 1, 1999.

LD 1312 An Act to Improve Consumers' Opportunities to Hire and Retain Personal Care Attendants INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	

LD 1312 proposed to require the Department of Human Services to adopt rules by October 1, 1999 to increase the reimbursement rates of consumer-directed personal care attendants. The bill also proposed to enact a mechanism to ensure a review of the reimbursement rates every 2 years and require input from consumers and the Long-term Care Steering Committee as part of the review process. See Part 2 budget, Public Law 1999, chapter 401, part SS.

LD 1315 An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services PUBLIC 515

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE LONGLEY	OTP MAJ OTP-AM MIN	S-435 MICHAUD

LD 1315 proposed to provide additional General Fund appropriations for child care services, Head Start and the Auditing, Contracting and Licensing Service Center to the Department of Human Services. This bill also proposed to require the Department of Human Services to adopt rules to implement the programs funded in the bill.

Senate Amendment "A" (S-435) proposed to do the following:

1. \$2,910,000 from the Fund for a Healthy Maine in FY 2000-01 for home visiting services.
2. \$1,575,000 from General Fund FY 99-2000 for one-time quality improvements in child care training and facilities.
3. \$2,093,179 from Fund for a Healthy Maine in FY 2000-01 for child care subsidies.
4. \$962,850 from Fund for a Healthy Maine in FY 2000-01 for school-aged child care subsidies.
5. \$525,000 from Fund for a Healthy Maine in FY 2000-01 for after-school services to children age 12 to 15.
6. \$300,000 from Fund for a Healthy Maine in FY 2000-01 for child care related quality improvements such as wages, training and facility improvements.
7. \$1,442,859 from Fund for a Healthy Maine for FY 2000-01 for child care resource development centers.
8. \$392,362 from Fund for a Healthy Maine for FY 2000-01 for 10 positions in the Auditing, Contracting and Licensing Center.

It also directs the Department of Human Services to adopt rules relating to the provision of after-school care, full-day year-round Head Start programming and procurement of federal funds.

Enacted law summary

Public Law 1999, chapter 515 provides additional appropriations and allocations for children's services as follows:

1. \$2,910,000 from the Fund for a Healthy Maine in FY 2000-01 for home visiting services.
2. \$1,575,000 from General Fund FY 99-2000 for one-time quality improvements in child care training and facilities.
3. \$2,093,179 from Fund for a Healthy Maine in FY 2000-01 for child care subsidies.
4. \$962,850 from Fund for a Healthy Maine in FY 2000-01 for school-aged child care subsidies.
5. \$525,000 from Fund for a Healthy Maine in FY 2000-01 for after-school services to children age 12 to 15.
6. \$300,000 from Fund for a Healthy Maine in FY 2000-01 for child care related quality improvements such as wages, training and facility improvements.
7. \$1,442,859 from Fund for a Healthy Maine for FY 2000-01 for child care resource development centers.
8. \$392,362 from Fund for a Healthy Maine for FY 2000-01 for 10 positions in the Auditing, Contracting and Licensing Center.

It also directs the Department of Human Services to adopt rules relating to the provision of after-school care, full-day year-round Head Start programming and procurement of federal funds.

See also LD 956, which contained home visiting funding proposals. See also PL 401, Parts LLL & MMM, which are repealed in Part A of this law and replaced by the provisions of it.

LD 1322 An Act to Ensure the Availability of Home-based Care CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE LOVETT		

LD 1322 proposes to ensure that in-home care for persons who are in need of long-term care is made available to all eligible participants. This bill also proposes to provide that funds appropriated to the in-home care account do not lapse at the end of the fiscal year, but are carried over to the next fiscal year. It also proposes to require that funds appropriated to the nursing home account but not spent be transferred to the in-home care account.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1349 An Act to Protect Citizens from the Detrimental Effects of Tobacco PUBLIC 54

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER PINGREE	OTP MAJ ONTP MIN	

LD 1349 proposed to include a restaurant in the definition of "public place" where smoking is prohibited. It proposed to continue to allow smoking in a Class A lounge or tavern.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 54 prohibits smoking in restaurants by including a restaurant in the definition of "public place" where smoking is prohibited. Smoking continues to be permitted in a Class A lounge or tavern.

LD 1363 An Act to Increase the Availability of Glucose Screenings ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER TREAT	ONTP MAJ OTP-AM MIN	

LD 1363 proposed to prohibit any restrictions on where screening tests, including glucose screening tests to diagnose diabetes, may be performed.

LD 1372**An Act to Give a Caretaker the Same Temporary Assistance for
Needy Families as a Custodial Parent****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS DOUGLASS	ONTP	

LD 1372 proposed to require the Department of Human Services to allow an individual caretaker who is not the parent of a child and is eligible for TANF benefits for assuming responsibility for a child to receive the same amount of assistance as the department would provide a custodial parent. The bill proposed to define the term “caretaker” as an individual that has or assumes responsibility for the care of a child.

LD 1378**An Act to Ensure Access to Long-term Care Services for Persons
with Dementia** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER PARADIS		

LD 1378 proposes to require the Department of Human Services to include in its medical eligibility assessment criteria a certain definition of the term "problem behavior" in order to ensure access to appropriate long-term care services for persons with dementia.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1393**An Act Concerning Due Process Regarding Certified Nursing
Assistants****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J CATHCART	ONTP	

LD 1393 proposed to require the Department of Human Services to adopt rules providing certain due process rights to a certified nursing assistant who is confronted with specific documented findings of abuse, neglect or misappropriation of property under the Maine Revised Statutes, Title 22, section 1812-G. The Department of Human Services would have been required to:

1. Clarify the definition of abuse;
2. Prove noncriminal abuse by clear and convincing evidence;
3. Provide a right to representation;
4. Inform a certified nursing assistant of a right to representation before any questioning relating to an investigation;

5. Establish a right to independent binding arbitration for a certified nursing assistant confronting charges under Title 22, section 1812-G; and
6. Establish a certified nursing assistant's right to discover the specific charges, documents and witnesses relating to a proceeding under Title 22, section 1812-G.

LD 1401

An Act to Amend the Maine Health Data Organization Statutes

**PUBLIC 353
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-483

LD 1401 proposed to make a number of technical corrections to the Maine Health Data Organization law and repeal language that is outdated. In addition, this bill proposed to increase the forfeiture level for noncompliant data providers that are not health care facilities, provide the Maine Health Data Organization with compliance monitoring authority, modify the funding provisions and allow specific financial information to be designated confidential.

This bill was submitted on behalf of the Maine Health Data Organization.

Committee Amendment "A" (H-483) proposed to change the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. The amendment also proposed to allow the organization to undertake data collection, processing and storage procedures only on a limited basis. The amendment proposed to exempt a person from collection of data when there is an objection based on a sincerely held religious belief. The amendment proposed to remove a technical error printed in the original bill relating to routine technical rules. An exclusion clause in the penalty provisions for providers and facilities was proposed to be included for circumstances beyond a provider's or facility's control. The amendment proposed to change the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 was proposed to increase by 5% each fiscal year.

Enacted law summary

Public Law 1999, chapter 353 makes a number of technical corrections to the Maine Health Data Organization law and repeals language that is outdated. It increases the forfeiture level for noncompliant data providers that are not health care facilities, provides the Maine Health Data Organization with compliance monitoring authority, and allows specific financial information to be designated confidential. It changes the membership of the Board of Directors of the Maine Health Data Organization by removing a dentist and including a representative of a federally qualified health center or rural health clinic. It allows the organization to undertake data collection, processing and storage procedures only on a limited basis and exempts a person from collection data when there is an objection based on a sincerely held religious belief. An exclusion clause in the penalty provisions for providers and facilities is included for circumstances beyond a provider's or facility's control. The law changes the ceiling on assessments charged to support the activities of the organization. The assessment of \$760,000 for fiscal year 1999-00 is allowed to increase by 5% each fiscal year.

Chapter 353 was enacted as an emergency measure effective May 28, 1999.

LD 1432 An Act to Improve Care to Nursing Home Residents by Requiring CARRIED OVER
Adequate Staff to Provide Hands-on Care

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER BENNETT		

LD 1432 proposes to increase the ratios of direct-care providers to residents, define "direct care" as hands-on care and require extra staff at meal times to ensure adequate nutrition to residents. This bill proposes to require the Department of Human Services to contract with one or more experts in the field of nurse staffing research and long-term care to recommend a methodology for determining appropriate nursing facility staffing levels based on resident acuity and to report back to the Legislature by May 1, 1999.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1472 An Act to Clarify Reimbursement for Cognitive Services ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP MURRAY	ONTF	

LD 1472 proposed to require that nonprofit hospital and medical service organizations, health insurers and health maintenance organizations provide coverage and reimbursement for cognitive services for persons with schizophrenia. It proposed to apply to all individual and group policies and contracts issued or renewed on or after January 1, 2000. LD 1472 also proposed to require that these services be covered under the state Medicaid program.

LD 1477 An Act to Promote Healthy Maine Families CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE KANE		

LD 1477 proposes to extend Medicaid coverage to the parents or the caretaker relative of those children who are eligible for the Maine Medicaid program if their family income is below 150% of the nonfarm income official poverty line. Eligibility would be increased up to 185% of the nonfarm income official poverty line when nonfarm income official matching funds become available.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

Committee Amendment "A" (S-339) is the majority report of the committee. It proposed to replace the bill. It proposed to retain the provisions of the bill that extend Medicaid coverage to parents and caretaker relatives of children eligible for the Medicaid program and adds an income adjustment mechanism to ensure that coverage for the parents and caretaker relatives is provided within the limits of the program budget. It proposed to clarify

that transitional support services are provided to families receiving Medicaid benefits under the Social Security Act, Section 1931. It proposed to repeal obsolete provisions in the transitional Medicaid statutes. It proposed to add an appropriation and an allocation.

Committee Amendment "B" (S-340) is the minority report of the committee. It proposed to replace the bill with provisions identical to the majority report with the exception of funding. It proposed to provide an effective date of 30 days after receipt of the national tobacco settlement revenues for the provisions of the bill. It proposed to add an appropriation and an allocation.

After a recommendation from the Appropriations and Financial Affairs Committee not to provide funding for this bill, this bill was recommitted to committee and carried over to the Second Regular Session of the 119th Legislature.

LD 1478 Resolve, to Require the Department of Mental Health, Mental ONTP
Retardation and Substance Abuse Services to Contract for the
Operation of a Stabilization Facility

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	ONTP	

LD 1478 would have required the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse to enter into a contract for short-term stabilization services in a secure facility in the Lewiston-Auburn area. Persons needing stabilization following substance abuse would use these facilities rather than hospital emergency rooms, as is current practice.

LD 1508 Resolve, to Establish a Task Force to Determine the Effectiveness ONTP
and Quality of Care of In-home Care Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERUBE	ONTP	

LD 1508 proposed to establish the Task Force to Determine the Effectiveness and Quality of Care of In-home Care Services. Members would have included two Legislators, three people who use home health care services and one person who represents the home health care industry. The bill proposed that the task force report its findings to the Legislature by January 15, 2000.

LD 1511 An Act to Provide Efficient and Continuous High-quality Service to ONTP
Mental Health Consumers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B BRAGDON	ONTP	

LD 1511 proposed to provide that any performance-based contract between the Department of Mental Health, Mental Retardation and Substance Abuse Services and its providers may be renewed without subjecting the renewal to the request-for-proposal procedure.

LD 1515 An Act to Prohibit Certain Practices in the Advertising and Sale of ONTP
Tobacco Products

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 1515 proposed to prohibit the use of coupons for distribution of cigarettes, tobacco products, prizes or premiums and outdoor advertising and sponsorship of instate public events with regard to cigarettes and other tobacco products.

LD 1525 An Act to Improve Medical Support for Children INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	

LD 1525 proposed to enact procedures and methodologies for the Department of Human Services to maximize the use of available medical coverage, enhance the federal mandate that Medicaid be the payer of last resort and require pertinent organizations or insurers to electronically identify in a manner requested by the department former or current Medicaid recipients who have health insurance coverage.

This bill was submitted on behalf of the Department of Human Services.

LD 1533 An Act to Preserve the Medicaid Home Health Benefit PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP	
HARRIMAN		

LD 1533 proposed to designate rules regarding access to home health care under the Medicaid program as major substantive rules.

Enacted law summary

Public Law 1999, chapter 329 designates rules regarding access to home health care under the Medicaid program as major substantive rules.

LD 1551**An Act to Provide a Method of Compensation for Personal Injuries
Caused by Side-stream Tobacco Smoke****ONTP**Sponsor(s)
MCKENNEYCommittee Report
ONTPAmendments Adopted

LD 1551 proposed to create a Side-stream Smoke Compensation Board for the purpose of assessing claims of persons injured by side-stream smoke. The bill proposed that if the board determines that a person were damaged by side-stream smoke, the board would make a monetary award to the person to compensate for damages. The bill proposed that funds for this compensation come from money awarded to the State in lawsuits against tobacco companies.

LD 1574**An Act to Improve Access to Education for Parents as Scholars
Program Participants****PUBLIC 407**Sponsor(s)
QUINT
CATHCARTCommittee Report
OTP-AMAmendments Adopted
H-656

LD 1574 proposed to remove certain participation requirements for low-income parents participating in a postsecondary education program, known as the Parents as Scholars Program.

Committee Amendment "A" (H-656) proposed to replace the bill. It proposed to allow Parents as Scholars enrollees who were in their 3rd and 4th years of study to choose among work-site experience, education, training or study. It proposed to allow for adjustments to program requirements for good cause.

Enacted law summary

Public Law 1999, chapter 407 allows Parents as Scholars enrollees who are in their 3rd and 4th years of study to choose among work-site experience, education, training or study. It allows for adjustments to program requirements for good cause.

LD 1578**Resolve, to Amend the Elderly Low-cost Drug Program****ONTP**Sponsor(s)
MADORECommittee Report
ONTPAmendments Adopted

LD 1578 proposed to require the Department of Human Services to adopt rules to add drugs for cancer to the elderly low-cost drug program by December 1, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PEAVEY	OTP-AM MAJ ONTP MIN	H-370

LD 1582 proposed to prohibit self-service sales, self-service displays, racks and shelves of tobacco products in environments where minors are allowed and to prohibit the location of vendor-assisted counter displays on any counter where a sale takes place.

Committee Amendment "A" (H-370) proposed to require tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. It proposed to exempt tobacco specialty stores and locations in which the presence of minors is generally prohibited. It proposed to state that the provision does not preempt a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products.

Enacted law summary

Public Law 1999, chapter 314 requires tobacco to be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products. Except as otherwise allowed by law, it exempts tobacco specialty stores and locations in which the presence of minors is generally prohibited. It states that a municipal ordinance that provides for more restrictive regulation of the sale of tobacco products is not preempted by this provision of law.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POVICH	ONTP	

LD 1585 proposed to prohibit the display of tobacco products and promotional displays of tobacco products within businesses and self-service merchandising of tobacco products. See LD 1582.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-221

LD 1598 proposed to clarify that the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 is \$200,000. The bill also proposed to repeal a provision requiring that the amount of the assessment is based on each hospital's gross patient service revenue.

Committee Amendment "A" (S-221) proposed to replace the bill. It proposed to remove repeal of the provision that the amount of the assessment is based on each hospital's gross patient service revenue and retain

the provision limiting the assessment to \$200,000 per fiscal year. The amendment proposed to apply these provisions retroactively to July 1, 1998.

Enacted law summary

Public Law 1999, chapter 306 limits the annual assessment placed on hospitals under the Hospital Cooperation Act of 1992 to \$200,000 per fiscal year and applies this provision retroactively to July 1, 1998. It repeals an outdated provision allocating funds for previous fiscal years.

LD 1613 An Act to Provide a Definition of Cigarette for Retail Purposes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP	

LD 1613 proposed to amend the retail tobacco sales law to add a definition of cigarette.

LD 1623 An Act to Provide Services for Children in Need of Supervision CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN		

LD 1623 proposes to establish the Children in Need of Services Program. The program is to provide for a safety plan consisting of housing, medical care, nutritional care and education for children 15 years of age and under who have been determined to be in need of supervision. See also LD 1825.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1651 An Act to Ensure that Tobacco Settlement Funds Are Used for Health Purposes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY		

LD 1651 proposed to create the Tobacco Settlement Dedicated Fund to receive revenue from the settlement of litigation between the State and the tobacco manufacturers. The fund would be used for payment of health care costs for persons who use tobacco products; smoking cessation public education, seminars, treatment clinics and costs; expansion of the elderly low-cost drug program under the Maine Revised Statutes, Title 22, section 254 to cover health care expenses for smoking-related illness and disease; and health care coverage for persons who are unable to afford coverage. Expenditures from the fund would be limited to 3/4 of the annual revenue unless approved by a vote of 3/4 of the members of the Senate and the House. See also Public Law 1999, chapter 401, parts U & V.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ	H-705
MITCHELL B	OTP-AM MIN	S-382 PARADIS S-383 PARADIS

LD 1653 proposed to clarify and expand the ability of a health care practitioner or facility to disclose health care information about an individual. The bill proposed to allow a health care provider or health care practitioner treating an incapacitated individual to obtain authorization to disclose health care information from the appropriate surrogate decision-maker for that individual, to allow an individual to orally authorize disclosure of his or her health care information, to allow an individual to orally authorize the release of the health care information to the extent necessary to bill those responsible for payment for the health care services provided to the individual and to allow the parent, legal guardian or guardian ad litem of a minor who has not consented to health care treatment in accordance with the provisions of state law to submit an addition to the minor's health care record. The bill also proposed to make related technical or clarifying changes in current law.

Committee Amendment "C" (H-705) is the report of the majority of the Joint Standing Committee on Health and Human Services. It proposed to replace the bill.

1. It proposed to clarify that, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit health care information that corrects or clarifies the patient's treatment record and obtain copies.
2. Within the provisions of the Maine Revised Statutes, Title 22, section 1711-C, it proposed to:
 - A. Define authorization to disclose and clarify that disclosures that are subject to the law are disclosures of health care information obtained as a result of a professional health care relationship between the individual and the health care practitioner or facility to a person or entity other than the individual. It proposed to clarify that "health care information" does not include information that is created or received by a member of the clergy or other person using spiritual means alone for healing and that "health care" includes treatment;
 - B. Repeal unnecessary provisions relating to confidentiality after health care information is disclosed;
 - C. Provide for oral authorization to disclose and for authorization to disclose provided by a 3rd party;
 - D. Clarify the provisions for revocation of authorization to disclose;
 - E. Provide that disclosures to another health care practitioner or facility may take place within the office, practice or organizational entity without authorization and outside of it without authorization, except that HIV and mental health information would require authorization in nonemergency circumstances;
 - F. Allow disclosure without authorization to family or household members unless expressly prohibited;
 - G. Allow disclosure without authorization for billing and insurance purposes to schools, camps, emergency services, corrections facilities and a branch of the federal or state military forces, for the purposes of

making and confirming appointments or tests and for the purposes of obtaining prescription medications and supplies;

- H. Allow disclosure without authorization to confirm admission to a health care facility and brief confirmation of general health status to the media when inquiring by name, unless expressly prohibited;
- I. Allow disclosure without authorization to the clergy unless expressly prohibited;
- J. Allow disclosure without authorization to members of the public inquiring by name unless expressly prohibited;
- K. Clarify that disclosure under the law is subject to the professional judgment of the health care practitioner;
- L. Add cross-references regarding authorizations to disclose;
- M. Impose penalties for intentional violations and repeal penalties for negligent violations;
- N. Clarify that other laws, rules and regulations pertaining to health care information govern that information and those entities subject to those laws, rules and regulations;
- O. Clarify application of the provisions, making them applicable to requests, directives and authorizations executed on or after February 1, 2000, and provide a transition period for authorizations executed prior to that date until the date of the next health care encounter between the individual and the health care practitioner or facility;
- P. It proposed to require that routine admission forms to health care facilities provide notice of the ability to remove one's name from the directory listing; and
- Q. It proposed to require notice that removal from the directory listing could result in inability to direct telephone calls and visitors;

3. It proposed to provide that Title 22, section 1711-C is repealed on March 1, 2002.

4. It proposed to provide that HIV testing and HIV status information will be governed by current law, not the more general law regarding the confidentiality of health care information of Title 22, section 1711-C.

5. It proposed to delay implementation of the laws on health care confidentiality until February 1, 2000.

Senate Amendment "A" to Committee Amendment "C" (S-382) proposed to clarify the ability of a health care practitioner or facility to disclose health care information pursuant to subpoena from a governmental entity.

Senate Amendment "B" to Committee Amendment "C" (S-383) proposed to require that the confidentiality policies of health care facilities must provide to individuals being admitted for inpatient care notice of the right to control the disclosure of health care information.

Enacted law summary

Public Law 1999, chapter 512 does the following:

1. It clarifies that, if the patient is a minor who has not consented to health care treatment in accordance with the laws of this State, the minor's parent, legal guardian or guardian ad litem may submit health care information that corrects or clarifies the patient's treatment record and obtain copies.
2. Within the provisions of the Maine Revised Statutes, Title 22, section 1711-C, it:
 - A. Defines authorization to disclose and clarifies that disclosures that are subject to the law are disclosures of health care information obtained as a result of a professional health care relationship between the individual and the health care practitioner or facility to a person or entity other than the individual. It clarifies that "health care information" does not include information that is created or received by a member of the clergy or other person using spiritual means alone for healing and that "health care" includes treatment;
 - B. Repeals unnecessary provisions relating to confidentiality after health care information is disclosed;
 - C. Provides for oral authorization to disclose and for authorization to disclose provided by a 3rd party;
 - D. Clarifies the provisions for revocation of authorization to disclose;
 - E. Provides that disclosures to another health care practitioner or facility may take place within the office, practice or organizational entity without authorization and outside of it without authorization, except that HIV and mental health information require authorization in nonemergency circumstances;
 - F. Allows disclosure without authorization to family or household members unless expressly prohibited;
 - G. Allows disclosure without authorization for billing and insurance purposes to schools, camps, emergency services, corrections facilities and a branch of the federal or state military forces, for the purposes of making and confirming appointments or tests and for the purposes of obtaining prescription medications and supplies;
 - H. Allows disclosure without authorization to confirm admission to a health care facility and brief confirmation of general health status to the media when inquiring by name, unless expressly prohibited;
 - I. Allows disclosure without authorization to the clergy unless expressly prohibited;
 - J. Allows disclosure without authorization to members of the public inquiring by name unless expressly prohibited;
 - K. Clarifies that disclosure under the law is subject to the professional judgment of the health care practitioner;
 - L. Adds cross-references regarding authorizations to disclose;
 - M. Imposes penalties for intentional violations and repeals penalties for negligent violations;
 - N. Clarifies that other laws, rules and regulations pertaining to health care information govern that information and those entities subject to those laws, rules and regulations;

- O. Clarifies application of the provisions, making them applicable to requests, directives and authorizations executed on or after February 1, 2000, and provides a transition period for authorizations executed prior to that date until the date of the next health care encounter between the individual and the health care practitioner or facility;
- P. It requires that routine admission forms to health care facilities provide notice of the ability to remove one's name from the directory listing; and
- Q. It requires notice that removal from the directory listing could result in inability to direct telephone calls and visitors;
- R. It clarifies the ability of a health care practitioner or facility to disclose health care information pursuant to subpoena from a governmental entity.
- S. It requires that the confidentiality policies of health care facilities must provide to individuals being admitted for inpatient care notice of the right to control the disclosure of health care information.

- 3. It provides that Title 22, section 1711-C is repealed on March 1, 2002.
- 4. It provides that HIV testing and HIV status information will be governed by current law, not the more general law regarding the confidentiality of health care information of Title 22, section 1711-C.
- 5. It delays implementation of the laws on health care confidentiality until February 1, 2000.8

LD 1666 An Act to Ensure That Funds from Maine’s Medicaid Settlement with Tobacco Product Manufacturers are used to Expand Access to Health Care for Maine People ONTP

<u>Sponsor(s)</u> PINGREE	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1666 proposed to establish the Healthy Maine Program to provide health care coverage, Medicaid coverage and prescription drug coverage for adults 62 years of age and older, disabled persons and children. Benefits would be provided under the Healthy Maine Program, the Medicaid program and the Cub Care program. See also Public Law 1999, chapter 401, part QQ, expanding eligibility in the Cub Care program in FY 2000-01 from 150% to 185% of the federal poverty level.

LD 1668 An Act to Create the Drive ME Wheels-to-work Program CARRIED OVER

<u>Sponsor(s)</u> LAWRENCE QUINT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1668 proposes to establish the Drive ME Wheels-to-work Program and require the Commissioner of Human Services to adopt rules to implement the program. The proposed program would provide loans for the purchase of used vehicles and for the purchase of repair and maintenance services to people who receive assistance through the federal Temporary Assistance for Needy Families program. The loans would be provided through

community action agencies at below-market rates. The bill proposes a revolving loan fund to finance the program.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1687 An Act Relating to Medicaid Liens

PUBLIC 483

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-653

LD 1687 proposed to allow the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

Committee Amendment "A" (H-653) proposed to add to the bill clarifying language with regard to resolution of a dispute about the settlement of a claim for reimbursement of the Medicaid program.

Enacted law summary

Public Law 1999, chapter 483 allows the compromise, release or settlement of Medicaid-related claims when the commissioner determines that the best possible outcome requires compromise, release or settlement.

**LD 1703 An Act to Repeal the 6% Supplemental Rebate on Prescription
Drugs to Conform to the Requirements of Federal Regulations**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL	ONTP	

LD 1703 proposed to repeal a provision of Maine law that is inconsistent with federal regulations. The provision that the bill proposed to repeal requires the Department of Human Services to achieve in the elderly low-cost drug program an aggregate rebate amount that is six percentage points higher than the rebate recommended by the federal Health Care Financing Administration.

**LD 1704 An Act to Protect Children from Secondhand Smoke in Motor
Vehicles**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRY	ONTP	

LD 1704 proposed to prohibit smoking in a motor vehicle when children are in the motor vehicle. The violation would have carried a civil penalty of \$100 per violation.

LD 1724**Resolve, to Establish Reimbursement Funding for Transportation Costs to and From Dialysis Treatment Facilities****INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA QUINT	OTP-AM	

LD 1724 proposed to direct the Department of Human Services to develop a plan, establish criteria and provide funding for transportation to treatments for end-stage renal disease patients. The resolve proposed to provide funding for those patients who do not qualify for any other type of transportation reimbursement.

LD 1727**An Act to Require the Office of Substance Abuse to Report on Certain Child Care Services****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP	

LD 1727 proposed to require the Office of Substance Abuse to include in its recommendations submitted to the Legislature recommendations regarding the provision of child care services to a child whose parent or primary caregiver is receiving substance abuse services and improvements for all state alcohol and drug abuse programs.

LD 1733**An Act to Amend the Laws Regarding the Provision of Services to Persons with Alzheimer's Disease****CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY		

LD 1733 proposes to require the Department of Human Services to consider the fluctuating nature of Alzheimer's disease so that the medical and social needs of a person being evaluated for the disease can be fully assessed and the appropriate level of services provided.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1755**An Act to Improve Access to Dental Care for Children****PUBLIC 301**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT	OTP-AM	H-274 H-529 KANE

LD 1755 proposed to require the Department of Human Services and the Department of Education to undertake three studies and to report to the Joint Standing Committee on Health and Human Services by January 1, 2000. The proposed studies would concern mobile vans for dental services, residency programs in dentistry and reimbursement rates for dentistry paid through the Medicaid program. It proposed that increases in dental fees be tied to increases in the Consumer Price Index.

Committee Amendment "A" (H-274) proposed to delete the requirement that Medicaid reimbursed dental fees be adjusted according to the Consumer Price Index. It also proposed to require the Finance Authority of Maine rather than the Department of Education to study dental residency programs. The amendment proposed to add to the study the issues of the need for additional dental professionals and strategies and incentives to improve access to dental care for children and low-income residents.

House Amendment "A" (H-529) proposed a change in the reporting date for the Department of Human Services, from January 1, 2000 to December 31, 1999.

Enacted law summary

Public Law 1999, chapter 301 requires the Department of Human Services to annually review reimbursement rates for dentistry paid through the Medicaid program and the Cub Care program. The law also requires a review of the use of mobile vans to provide diagnostic and preventative programs in remote or under served areas of the State.

This law also requires the Finance Authority of Maine to study dental residency programs, the need for more dental professionals in Maine and strategies and incentives for improving access to dental care for children and low-income residents. The results of the studies required by this law must be reported back to the Joint Standing Committee on Health and Human Services by December 31, 1999.

LD 1760 **Resolve, to Create the Commission to Study the Provision of Mental Health Services to the Elderly** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	ONTP	

LD 1760 proposed to establish the Commission to Study the Provision of Mental Health Services to the Elderly. The duties of the commission would include studying the needs of the elderly population with mental illness. The commission would have been required to report its findings to the Joint Standing Committee on Health and Human Services by January 1, 2000. The Joint Standing Committee on Health and Human Services would have been authorized to submit legislation in the Second Regular Session of the 119th Legislature to implement the commission's recommendations.

LD 1807 **Resolve, to Encourage Access and Quality Care for People with Alzheimer's Disease in Residential Care Facilities** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL PARADIS		

LD 1807 proposes to require the Department of Human Services to review the case mix assessment tool and reimbursement rate for residential care facilities to ensure access and quality care for persons with Alzheimer's disease or other types of dementia.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1809

An Act to Increase Access to Cub Care for Children

PUBLIC 522

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM MAJ	H-595
LONGLEY	ONTP MIN	S-437 MICHAUD

LD 1809 proposed to raise the maximum eligibility level of the Cub Care program to 200% of the federal poverty line. This bill also proposed to establish a drug rebate program within the Cub Care program similar to the elderly low-cost drug program.

Committee Amendment "A" (H-595) proposed to model the Cub Care drug rebate program after the Medicaid drug program to allow a broader spectrum of pharmaceuticals to be covered.

Senate Amendment "A" (S-437) proposed to make clear that the rebate in the Cub Care program is to be modeled after the rebate in the Medicaid program, except that the supplemental 6% rebate required by the Maine Medicaid program does not apply to the Cub Care program. It proposed to replace Committee Amendment "A".

Enacted law summary

Public Law 1999, chapter 522 establishes a drug rebate program within the Cub Care program modeled after the Medicaid drug rebate program, except that the supplemental 6% rebate required by the Maine Medicaid program does not apply to the Cub Care program.

LD 1812

Resolve, to Require the Development of a Basic Needs Budget

RESOLVE 62

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-450
		S-397 MICHAUD

LD 1812 proposed to require the Department of Human Services, Division of Purchased and Support Services, in connection with its current duty to monitor the poverty level in the State, to compile and publish an annual basic needs budget for a single parent with 2 children that includes basic expenses and a calculation of the income needed to meet this basic needs budget.

Committee Amendment "A" (H-450) proposed to replace the bill with a resolve. It proposed to direct the Executive Department, State Planning Office to develop a basic needs budget in cooperation with the Department of Human Services. The amendment also proposed to add an appropriation.

Senate Amendment "A" to Committee Amendment "A" (S-397) proposed to remove the proposed appropriation to the State Planning Office.

Enacted law summary

Resolve 1999, chapter 62 requires the State Planning Office to develop a basic needs budget in cooperation with the Department of Human Services.

LD 1814 An Act Establishing the Newborn Hearing Program CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER TREAT		

LD 1814 proposes to establish the Newborn Hearing Program to provide hearing screening, evaluation, treatment and intervention to newborn children and to children within 3 months of the date of their birth. The program would be within the Department of Human Services and be overseen by the Newborn Hearing Screening Advisory Board. The bill proposes to require insurance policies and contracts and health maintenance organization contracts to provide coverage for newborn children hearing screening.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1818 An Act to Create Statewide Smoking Cessation Services INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	

LD 1818 proposed to direct the Department of Human Services to develop a statewide smoking cessation program and provide minimum requirements for the program. It proposed to require a report by January 1, 2000 to the joint standing committee of the Legislature having jurisdiction over health and human services matters on progress in establishing a statewide smoking cessation program, including in the report any legislation required to establish the program. It proposed to require smoking cessation programs to receive funding under the tobacco prevention and control program.

**LD 1825 Resolve, to Establish the Commission to Study Children in Need of Services RESOLVE 87
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE PARADIS	OTP-AM	S-445 MICHAUD S-87

LD 1825 proposed to establish the Commission to Study Children in Need of Services. The commission would be charged with reviewing truancy problems, children who run away from their homes, emancipation of children and other factors that cause children to be in need of services. The commission would be required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services by December 1, 1999.

Committee Amendment "A" (S-87) proposed to add an appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-445) proposed to remove the provision for payment of legislative per diem to nonlegislative members of the study commission.

Enacted law summary

Resolve 1999, chapter 87 establishes the Commission to Study Children in Need of Services to review truancy problems, children who run away from their homes, emancipation of children and other factors that cause children to be in need of services. The commission is required to report its findings and recommendations to the Joint Standing Committee on Health and Human Services by December 1, 1999.

Chapter 87 was enacted as an emergency measure effective June 17, 1999.

**LD 1838 An Act to Include Mental Retardation, Developmental Disability CARRIED OVER
and Substance Abuse Services in the Community Service System of
the Department of Mental Health, Mental Retardation and
Substance Abuse Services and to Consolidate Those Advisory
Bodies to the Department**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PARADIS		

LD 1838 proposes to restructure the Department of Mental Health, Mental Retardation and Substance Abuse Services to eliminate artificial barriers to services and the separation of the adult and children's mental health, mental retardation and substance abuse systems. This bill proposes to give statutory authority for stakeholders of all department services to participate in their local quality councils and include providers of services to persons with mental retardation or developmental disabilities, or both, and persons receiving substance abuse services in the local service networks. This bill proposes to eliminate population-specific committees that exist to advise the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services on implementation of statewide planning. The functions of these groups would be assumed by the statewide quality improvement council whose membership will be reflective of all constituencies served by the department.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

Sponsor(s)
FULLER
BENNETT

Committee Report

Amendments Adopted

LD 1839 proposes to make modifications to the reimbursement system to more accurately reflect the actual cost of services in all segments of the continuum of long-term care. The bill proposes to require the Department of Human Services to utilize 1997 data, rather than 1993 data as is currently the standard, for calculating reimbursement rates and cost components; provide for calculation of a facility's case mix based on the facility's total population, regardless of source of payment; reclassify certain cost components as direct costs; and direct the department to establish the maximum reimbursement rates annually by taking into account the size of the facility and by utilizing current year-end data. It also proposes to direct the department to recognize as an allowable fixed cost the nursing facility's allocated share of debt service or outstanding debt resulting from either the sale of licensed beds by a facility or the closure of a nursing facility.

The bill also proposes to establish the Medicaid Automation Grant Fund for the purpose of facilitating the improved efficiency of facility operations. The bill proposes to authorize the department to establish criteria for approving disbursements from the fund to facilities.

The bill proposes to repeal the requirement that a nursing facility that participates in the Medicaid program also must participate in the Medicare program as a skilled nursing facility.

The bill proposes to provide facilities with a limited opportunity to utilize nursing facility beds for the provision of residential care services if there are no residential care beds available within 25 miles of that facility or if necessary to meet the care needs of an existing resident.

The bill proposes to address the problem of an existing over-supply of nursing facility beds. The department would be authorized to entertain proposals from nursing facilities to sell some or all of their licensed beds back to the department. The bill proposes to provide funding for this purpose through loans from Maine Health and Higher Educational Facilities Authority, the debt service on which would be paid by all facilities on a proportional basis. The debt service would be allocated to remaining nursing facility providers in proportion to their number of licensed beds.

The bill proposes to provide for the allocation of the total net outstanding debt among remaining facilities within a multi-facility operator's system in proportion to the number of licensed beds owned by each remaining nursing facility.

Under current law, hospitals, intermediate care facilities, skilled nursing facilities and other facilities licensed under chapter 405 may provide home health care services to clients residing in those facilities, or at any one time, to 6 or fewer clients residing in their homes under a department-approved care plan. In either case, the licensed home health care agencies serving the patient's area must either have indicated that they are unable to provide those services or have agreed that the plan of care is an acceptable plan. The bill proposes to eliminate the requirement for obtaining approval of the care plan by the department or by the home health care agency; eliminate the condition that the home health care agencies in the area indicate that they are unable to provide the services in question; and add the requirement that the facilities must notify the home health agencies of the fact that the facilities will be providing those services.

The bill proposed to revise the medical eligibility provisions applicable to the Medicaid program to require the department to discontinue its current practice of denying all reimbursement to a nursing facility that inadvertently misses the established deadline for asking the department to reassess a resident's eligibility. Instead, the department would be allowed to apply 2 sanctions. First, it could penalize the facility up to 10% of its regular reimbursement rate for the days between the due date for the assessment and the date the facility actually requested reassessment. Second, the department could reduce the rate to the much lower residential care rate, if the reassessment, when performed, showed that the resident no longer required a nursing facility level of care.

The bill proposed to require the department to utilize 1997 data for calculating the maximum allowable reimbursement for facilities' routine costs. The bill also proposed to require that the department distinguish between facilities with 30 or more beds and those with fewer than 30 beds in establishing the maximum amount of reimbursable costs for the various cost categories established for residential care.

The bill proposed to direct the department to resume its approval of staffing requests by residential care facilities as had been the department's practice prior to June of 1998.

The bill proposed to prohibit the department from reducing the Medicaid home health benefit.

The bill proposed to establish the Commission to Study Job Training and Career Advancement for Long-term Care Health Professionals and Personnel. The commission would consist of representatives of the affected agencies and health workers for the purpose of establishing a set of health practitioner job descriptions and training requirements that are simple, are logically sequential and build up into a career ladder for individuals in the field.

Finally, the bill proposed to provide for a \$1,000,000 appropriation from the General Fund to provide additional respite, homemaker and home-based care services to individuals who have been placed on the department's waiting list for these services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1879 An Act to Increase Access to Basic Needs for Low-income Maine PUBLIC 461
Children and Families

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND TOWNSEND	OTP-AM	S-290

LD 1879 proposed to provide an annual increase of 5% in the maximum amount of assistance available to low-income families with children under the Temporary Assistance to Needy Families program until the maximum amount of TANF assistance for a family of 3 is at least equal to the average of the other New England states' maximum amount of TANF assistance for a family of 3.

Committee Amendment "A" (S-290) proposed to allow the Commissioner of Human Services to increase the maximum levels of assistance in the Temporary Assistance to Needy Families, or TANF, program if there are unexpended funds in the ASPIRE or TANF accounts. The amendment also proposed to require the Department of Human Services to report to the Legislature in years following years in which the maximum assistance levels

have not increased by 5%. That report would include average of TANF assistance levels across the New England states.

Enacted law summary

Public Law 1999, chapter 461 allows the Commissioner of Human Services to increase the maximum levels of assistance in the Temporary Assistance to Needy Families, or TANF, program if there are unexpended funds in the ASPIRE or TANF accounts. It also requires the Department of Human Services to report to the Legislature in years following years in which the maximum assistance levels have not increased by 5%. That report must include the average of TANF assistance levels across the New England states.

LD 1896 Resolve, to Increase Certain Reimbursement Rates under the RESOLVE 76
Medicaid Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON	OTP-AM	H-602 S-386 MICHAUD

LD 1896 proposed to increase reimbursement rate for chiropractic manipulation under the Medicaid program from the current \$9 per hour to \$20 per hour.

Committee Amendment "A" (H-602) proposed to change the fee for chiropractic manipulation under the Medicaid program from \$20 per hour to \$20 per service. It proposed to add appropriation and allocation sections.

Senate Amendment "A" to Committee Amendment "A" (S-386) proposed to change the title of the resolve and change the effective date to October 1, 2000. The amendment also proposed to change the reimbursement rates for speech and hearing centers by 18% over current Medicaid rates effective November 1, 1999. See also Resolve 1999, chapter 28.

Enacted law summary

Resolve 1999, chapter 76 increases the reimbursement rate for chiropractic manipulation under the Medicaid program from the current \$9 per hour to \$20 per service effective October 1, 2000. It also changes the reimbursement rates for speech and hearing centers by 18% over current Medicaid rates effective November 1, 1999.

LD 1902 An Act to Allow Emergency Room Personnel to Search Patients ONTP
Who have Threatened Themselves or Others

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FRECHETTE	ONTP	

LD 1902 proposed to authorize certain emergency room personnel to search a patient who may pose a threat to the patient or others.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER MITCHELL B	OTP-AM	H-268 H-544 KANE

LD 1905 proposed to establish a program within the Department of Human Services to identify and collect information on birth defects. The program would undertake research, be authorized to collect information, have access to health care records and information and provide information to families on available services. The bill would require a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 1st of each year on the operation of the program.

Committee Amendment "A" (H-268) proposed to create an exception to the provisions requiring the reporting and entry into the central registry of information regarding birth defects for a child whose parent or legal guardian objects on the basis of sincerely held religious beliefs. It also proposed to add a fiscal note to the bill.

House Amendment "A" (H-544) proposed to change the reporting date to the last business day of the year.

Enacted law summary

Public Law 1999, chapter 344 establishes a program within the Department of Human Services to identify and collect information on birth defects and exempts from reporting and entry into the central registry of information regarding birth defects for a child whose parent or legal guardian objects on the basis of sincerely held religious beliefs. The program will undertake research, is authorized to collect information, has access to health care records and information and may provide information to families on available services. The bill requires a report on the operation of the program to the joint standing committee of the Legislature having jurisdiction over health and human services matters by the last business day of each year.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	ONTP	

LD 1926 proposed to establish Maine's Business Advisory Committee on Prescription Drug Costs and Efficiencies. The advisory committee would conduct a study concerning outpatient prescription drug prices in the State and would obtain comparable pricing from other states and countries. The advisory committee would create model discount and rebate agreements using existing pharmaceutical discount purchasing and assistance programs such as those offered through Medicaid, the United States Department of Veterans Affairs, public health services and other successful programs in other states and countries to secure the highest discounts and rebates available on prescription drugs. See also LD 206.

LD 1950

**An Act to Change the Membership of the Medicaid Advisory
Committee and the Board of Directors of the Maine Health Data
Organization**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	ONTP	

LD 1950 proposed to amend the membership of the Board of Directors of the Maine Health Data Organization to include a pharmacist member. A pharmacist would be required to be registered in the State and also practicing pharmacy in the State to be eligible to serve as a member on the board. The bill proposed to direct the Department of Human Services to include a pharmacist member on the Medicaid Advisory Committee and to report back to the Joint Standing Committee on Health and Human Services no later than January 15, 2000.

LD 1952

**An Act to Simplify the Process of Determining the Eligibility of
Homeless Persons for General Assistance**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE		

Under current law, when a person in a homeless shelter applies for general assistance, there is a certain level of fact-finding that has to occur to determine which municipality is administratively and financially responsible for that person's general assistance. This bill proposes to make the municipality where the shelter is located the municipality of administrative responsibility and require the Department of Human Services to reimburse that municipality for 100% of the general assistance provided to the local homeless shelter. The department's responsibility to provide 100% reimbursement would be limited to the recipient's first 45 consecutive days in the institution. The bill also proposes to clarify that hotels, motels or rooming houses would be considered to be homeless shelters when the municipality places applicants in transient housing facilities because no permanent housing for the applicant is available. Finally, this bill proposes to clarify that any general assistance provided by a municipality that is reimbursed 100% by the department would not be counted as net general assistance for the purpose of calculating the level of non-100% reimbursement that is provided the municipality by the department.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1955

An Act Regarding Youth Residence Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLDUC BERUBE	ONTP	

LD 1955 proposed to establish the Department of Human Services as the agency responsible for studying, planning for and creating services for runaway and homeless youth. The services would have sought to address needs of youth who are without families, who may be exploited, who suffer greater health, mental health and educational problems than the general population and who have less access to appropriate services. The bill proposed to develop a system of coordinated services for runaway and homeless youth through street outreach,

emergency shelters and transitional living programs. The bill would have involved the Interagency Task Force on Homelessness and Housing Opportunities in these efforts. See also LD 1623, LD 2187 and LD 1685.

LD 1963 An Act to Establish the Maine Council on Aging CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER		

LD 1963 proposes to establish the Maine Council on Aging as an independent advisory council. The council's duties would include advising, consulting and assisting the executive and legislative branches of State Government on issues and activities related to older people; advocating on behalf of older people; disseminating information, sponsoring forums and holding a statewide Blaine House Conference on Aging at least every 2 years.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 1984 An Act to Establish Department of Human Services Review Panels CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL RUHLIN		

LD 1984 proposes to establish 6 regional Department of Human Services review panels to review all services provided by the department for efficiency and cost effectiveness. The panels would report to the Governor and the joint standing committee of the Legislature having jurisdiction over human services matters and make recommendations to the Commissioner of Human Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2015 An Act to Amend the Health Care Receivership Laws PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-610

LD 2015 proposed to add general and specialty hospitals, critical access hospitals, ambulatory surgical centers, hospice agencies and end stage renal disease units to the list of facilities for which the Department of Human Services can exercise its receivership authority to protect the patients of these facilities.

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (H-610) proposed to add the following provisions to the bill.

1. It proposed to provide that rules regarding congregate housing services programs are routine technical rules.

2. It proposed to change references to the Maine Committee on Aging to the long-term care ombudsman and references to the nursing home and boarding home ombudsman to the long-term care ombudsman.
3. It proposed to update definitions of residential care facilities and congregate housing services programs.
4. It proposed to update references to residents of long-term care facilities to include clients of programs.
5. It proposed to update references to state licensing rules using the terms facilities and assisted living facilities.
6. It proposed to require smoke detection and sprinkler systems in residential care facilities.

Enacted law summary

Public Law 1999, chapter 384 adds general and specialty hospitals, critical access hospitals, ambulatory surgical centers, hospice agencies and end stage renal disease units to the list of facilities for which the Department of Human Services can exercise its receivership authority to protect the patients of these facilities.

It also provides that rules regarding congregate housing services programs are routine technical rules; changes references to the Maine Committee on Aging to the long-term care ombudsman and references to the nursing home and boarding home ombudsman to the long-term care ombudsman; updates definitions of residential care facilities and congregate housing services programs; updates references to residents of long-term care facilities to include clients of programs; updates references to state licensing rules using the terms facilities and assisted living facilities; and requires smoke detection and sprinkler systems in residential care facilities.

LD 2039

An Act to Improve Access to Residential Care in Rural Maine

INDEF PP

Sponsor(s)
MILLS

Committee Report
OTP-AM

Amendments Adopted
H-562 KANE
S-222

LD 2039 proposed to address the issue identified in the Final Report of the Commission to Examine Rate Setting and the Financing of Maine's Long-Term Care Facilities, dated November 20, 1998, regarding resident access to long-term care in rural communities by allowing the use of "nursing facility flex beds," through which nursing facilities may use a designated number of beds for nursing or residential care. In circumstances when residents would otherwise have no access to residential care services, either because they live in a rural area where no residential care facility exists or they currently live in a nursing facility and their health improves to the extent that they require only residential care services and the nearest residential care facility is located more than 25 miles from a nursing facility, this bill proposed to enable them to receive residential care without undertaking a major geographic relocation. This bill also proposed to allow nursing facilities reimbursement in such circumstances, in accordance with the level of care provided and in accordance with rules adopted by the Commissioner of Human Services.

**LD 2046 An Act to Amend the Powers of Hospital Administrative District CARRIED OVER
No. 1**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART MICHAUD		

LD 2046 proposes to amend the powers of Hospital Administrative District No. 1.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2047 An Act to Amend the Lead Poisoning Control Act PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY COLWELL	OTP-AM	S-137

LD 2047 proposed to change the Lead Poisoning Control Act, Maine Revised Statutes, Title 22, chapter 252, to increase the efficiency of limited resources of the Department of Human Services, allow for more flexibility in dealing with lead-based substances in single-family homes, and allow for preliminary lead screenings by child care licensing staff of the department. These changes would make the Lead Poisoning Control Act consistent with Title 38, chapter 12-B and rules of the Department of Environmental Protection, chapter 424, "Lead Management Regulations."

This bill was submitted on behalf of the Department of Human Services.

Committee Amendment "A" (S-137) proposed to substitute rules of the Department of Environmental Protection for rules of the Department of Human Services and clarify that penalties may be imposed by the Department of Environmental Protection.

Enacted law summary

Public Law 1999, chapter 276 changes the Lead Poisoning Control Act, Maine Revised Statutes, Title 22, chapter 252, allows for more flexibility in dealing with lead-based substances in single-family homes, allows for preliminary lead screenings by child care licensing staff of the department and provides for rulemaking by and penalties from the Department of Environmental Protection. These changes make the Lead Poisoning Control Act consistent with Title 38, chapter 12-B and rules of the Department of Environmental Protection, chapter 424, "Lead Management Regulations."

LD 2052**An Act to Prohibit the Use of Juveniles in a Tobacco Enforcement Action****DIED
BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATERHOUSE	OTP-AM MAJ	
LONGLEY	ONTP MIN	

LD 2052 proposed to preclude the State from using juveniles in any tobacco enforcement action. It proposed to direct the Commissioner of Human Services, the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Public Safety and the Attorney General to jointly develop and implement alternative tobacco enforcement strategies, exclusive of using juveniles for enforcement actions.

Committee Amendment "A" (H-361) adds a fiscal note to the bill.

LD 2078**An Act Allowing Increased Flexibility of Swing Beds****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	ONTP	
VOLENIK		

LD 2078 proposed to require the Department of Human Services to adopt rules permitting a nursing home to designate the level of care for a bed based on the level of care of the person admitted or to change the level of care for a bed without requiring a certificate of need.

LD 2082**An Act to Reduce the Cost of Prescription Drugs to Qualifying Residents of the State****PUBLIC 431**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-351
LOVETT		

LD 2082 proposed to establish a program to provide low-cost prescription drugs to Maine residents by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. The rebate amount would be applied to the cost of the prescription drugs purchased by residents of the State.

Committee Amendment "A" (S-351) proposed to replace the bill. It proposed to retain the provisions of the bill that establish a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program would be modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates would be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The amendment proposed to

prohibit the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The amendment proposed to require rulemaking to establish discounts for efficacious and lower-cost drugs. The amendment proposed to specify how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The amendment proposed to create a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds would be used to increase the amount of discounts provided to residents under the program.

The amendment proposed to define "participating retail pharmacy" and "qualifying resident." The amendment proposed to require rulemaking by the Department of Human Services and designate those rules as major substantive rules. The amendment proposed to provide that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The amendment proposed to require an annual report by the Department of Human Services that would include information on changes in 3rd-party prescription drug coverage and the financial status of the program. The amendment also proposed to add an allocation section and a fiscal note.

Enacted law summary

Public Law 1999, chapter 431 establishes a program to provide low-cost prescription drugs to Maine residents who are not covered by 3rd-party prescription drug plans by giving prescription drug manufacturers the option of entering into a voluntary drug rebate agreement. The program is modeled after the rebate agreement used in the State's Medicaid and elderly low-cost drug programs. Rebates must be applied to the costs of the program and to reimbursement to retail pharmacies for discounts provided to residents of the State. The law prohibits the Department of Human Services from imposing a charge on pharmacies that submit claims or receive payments under the program.

The law requires rulemaking to establish discounts for efficacious and lower-cost drugs and specifies how the discounts must be calculated, according to either the provisions of the Act or rules adopted by the department. The law creates a nonlapsing, dedicated fund to receive revenues generated by the rebates paid by pharmaceutical manufacturers and to pay program costs and reimbursement to retail pharmacies for discounts provided to residents. Surplus funds must be used to increase the amount of discounts provided to residents under the program.

The law defines "participating retail pharmacy" and "qualifying resident," and designates rules as major substantive rules. The law provides that the rebates from drug manufacturers may be collected beginning February 1, 2000 or as soon thereafter as rules are adopted to implement the program. The law requires an annual report by the Department of Human Services that must include information on changes in 3rd-party prescription drug coverage and the financial status of the program.

LD 2097

**Resolve, Establishing the Commission on Dental and Mental Health
Services for Children**

ONTP

Sponsor(s)
ROWE

Committee Report
ONTP

Amendments Adopted

LD 2097 proposed to create the Commission on Dental and Mental Health Services for Children. The commission would have been charged with studying the need for additional dental and mental health professionals and strategies and incentives for improving access for children and low-income residents and shall make recommendations, including legislation. The commission would have been required to submit a report to the Joint Standing Committee on Health and Human Services by December 1, 1999, at which time the commission would have been abolished.

LD 2099 An Act to Provide Increased Access to Dental Care in Maine INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE PARADIS	OTP	

LD 2099 proposed to provide funds to increase access to oral health care for low-income children and adults by providing for the establishment and expansion of oral health programs that would be available to all people regardless of income. By using a sliding fee scale and accepting Medicaid without restrictions, these programs would increase access to oral health care for the uninsured and underinsured and Medicaid patients. See Public Law 1999, chapter 401, Part MM.

LD 2109 An Act to Permit the Medical Use of Marijuana ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP MAJ OTP MIN	

LD 2109 proposed to make the following changes to the laws governing the possession and use of marijuana.

1. It proposed to authorize an eligible patient diagnosed with one or more specified debilitating conditions, including cancer and acquired immune deficiency syndrome, to use marijuana for medical purposes when a physician determines that the patient might benefit from marijuana use and when other requirements are met.
2. It proposed to limit the amount of marijuana that an eligible medical patient may possess without violating civil or criminal laws to no more than 1 1/4 ounces of harvested marijuana and six marijuana plants, of which not more than three may be mature, flowering plants.
3. It proposed to allow a person who is legally designated to care for an eligible medical patient to assist that patient in using marijuana for medical purposes.
4. For a person under 18 years of age, it proposed to authorize medical use of marijuana only if both the listed medical eligibility requirements have been met and a parent or legal guardian has given written consent to this use or the person is entitled to consent to all health care services pursuant to law.
5. It proposed to prohibit medical use of marijuana by an eligible patient in a public place or in a workplace where this use is not permitted.

This is a citizen-initiated bill and the issue will proceed to referendum in November, 1999.

LD 2110 An Act to Ensure Adequate Nutrition for Low-income Legal Aliens INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT RAND	OTP-AM	H-267

LD 2110 proposed to provide for the continuation of food stamp assistance to low-income legal aliens after June 30, 1999. See also Public Law 1999, chapter 401, Part A-1.

LD 2113 Resolve, Directing the Department of Human Services to Conduct a Review of the Reimbursement Rates under the Medicaid Program for Speech, Language Pathology and Audiology Services RESOLVE 28

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT CATHCART	OTP-AM	H-275

LD 2113 proposed to direct the Department of Human Services to conduct a review of its Medicaid reimbursement rates for speech, language pathology and audiology services and report any recommendations to the Joint Standing Committee on Health and Human Services by December 31, 1999. See also Resolve 1999, chapter 76.

Committee Amendment "A" (H-275) proposed to add occupational therapy and physical therapy to the services for which Medicaid reimbursement is being reviewed.

Enacted law summary

Resolve 1999, chapter 28 directs the Department of Human Services to conduct a review of its Medicaid reimbursement rates for speech, language pathology, audiology services, occupational therapy and physical therapy and report any recommendations to the Joint Standing Committee on Health and Human Services by December 31, 1999.

LD 2119 An Act to Enhance Competition and Public Health CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL LAWRENCE		

LD 2119 proposes to prohibit the free distribution of tobacco products to any person in the ordinary course of trade, business or other corporate enterprise and create a civil penalty similar to that in current law for the sale of unpackaged cigarettes. This prohibition would be distinguished from another in current law that prohibits the

free distribution of tobacco products to minors by any person whether that person is acting in the course of business or not. The bill proposes to prohibit self-service displays of tobacco products unless in a business establishment where the primary business is the retail sale of tobacco products. The bill also proposed to prohibit the producers of tobacco products from offering incentives as a reward for increasing sales of tobacco products. The penalty for a violation of these prohibitions would be the same as for violations of other tobacco product sales prohibitions, such as sales to minors and sales through vending machines in unlawful ways. See LD 1582, Public Law 1999, chapter 314 prohibiting self-service tobacco displays.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2128

An Act to Amend the Laws Governing the Licensure of Dental Hygienists

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOVETT PARADIS		

LD 2128 proposes to amend the laws governing the licensure of dental hygienists in the following ways.

1. It proposes to add 3 members to the Board of Dental Examiners, 2 additional dental hygienists and one additional representative of the public.
2. It proposes to set standards for the licensure of dental hygienists by the Board of Dental Examiners.
3. It proposes to increase the number of hours of continuing education that a dental hygienist must successfully complete as a condition of renewal of a license to practice.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2150

An Act to Ensure Community-based Services for Persons With Mental Retardation or Autism

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT PARADIS		

LD 2150 proposes to incorporate into statute portions of the 1994 Community Consent Decree for the provision of services to persons with mental retardation or autism. Before the decree may be terminated by the United States District Court, the decree requires that the State establish mechanisms to ensure future compliance with its terms.

This bill proposes to establish a policy of providing education, training and support services and programs to persons with mental retardation or autism and establish a committee to study whether to identify the population eligible for services and programs within the scope of the Maine Revised Statutes, Title 34-B, chapter 4 as persons with developmental disabilities, or whether to continue to identify the population as persons with mental retardation or autism.

The bill proposes to continue the current practice of person-centered planning as a means for identifying and articulating the needs of clients for services and programs and to require that the Department of Mental Health, Mental Retardation and Substance Abuse Services maintain the ratio of caseworkers to clients required by the decree and to maintain the current system of crisis and respite services.

The bill proposes to provide mechanisms to promote the level of programs and services specified by the decree and to require that the department provide a system for speedy resolution of grievances and appeals in cases where needs go unmet. It proposes to require that the department maintain accurate records about needs for services, conduct public hearings and summarize and report the status of the system to the Legislature as well as plan to correct identified deficiencies. The bill proposes to continue the Consumer Advisory Board as an independent oversight body with reporting responsibilities and to require the department to develop a quality assurance plan. The bill proposes to modernize the statutes to conform with current practice and terminology.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2167

An Act to Ensure the Availability of Funds for Tobacco Prevention and Control

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RUHLIN MATTHEWS	ONTP	

LD 2167 proposed to establish the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. The bill proposed to continue the commitment of tobacco tax revenues for the prevention and control of tobacco usage prevention and control and provide that settlement funds received from legal actions by the State against tobacco companies be divided equally between the Tobacco Prevention and Control Fund and the Health Care Fund for Maine Citizens. See also Public Law 1999, chapter 401, Parts U & V.

LD 2169

An Act to Establish the Trust Fund for a Healthy Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROWE PARADIS	ONTP	

LD 2169 proposed to establish the Trust Fund for a Healthy Maine, which would have as its primary source of revenue money received by the State in settlement or in relation to the lawsuit State of Maine v. Philip Morris, et al., Kennebec County Superior Court, Docket No. CV-97-134.

Money from the fund would be allocated by the Legislature for smoking cessation and education, children's early care and education, health insurance, substance abuse prevention and treatment with particular emphasis on meeting the needs of children in those areas. Allocations would also be made for low-cost prescription drugs for the elderly.

The bill proposed to require the Treasurer of State to invest money in the fund that is not allocated and to develop a long-term strategy for those investments to maximize return and minimize risk. The Treasurer of State would make annual reports on the investment plan to the Joint Standing Committee on Appropriations and

Financial Affairs and the Joint Standing Committee on Health and Human Services. See also Public Law 1999, chapter 401, Parts U & V.

LD 2181

Resolve, to Help Homeless Young People Returning to Home or Safe Living Situations

RESOLVE 55

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT PINGREE	OTP-AM	H-654

LD 2181 proposed to create the Homeless Youth Demonstration Project to operate a site in Bangor and a site in Portland at which the project will develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and youths-at-risk. The project would be administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with 2 stakeholders' groups composed of interested organizations and individuals organized by the departments for both sites. The project would report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2001. This resolve proposed to appropriate \$300,000 a year for 2 years to fund the project.

Committee Amendment "A" (H-654) proposed to change the minimum age of the youth served in the Homeless Youth Demonstration Pilot Project from 12 years of age to 14 years of age. It proposed to add health care to basic services and provide for input from the regional children's cabinets and the Governor's children's cabinet in the reports submitted by December 31, 1999 and December 31, 2000. It proposed to require the collection and maintenance of data on youth of different ages and require the evaluation to cover the situations and needs of youth of different ages. It proposed to require the development of a comprehensive community plan for providing residential, educational, health, career development and social services to homeless youth. Following approval of the community plan by the Commissioner of Human Services and the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, it proposed to require the Department of Human Services to take steps to implement the community plan.

Enacted law summary

Resolve 1999, chapter 55 creates the Homeless Youth Demonstration Project to operate a site in Bangor and a site in Portland at which the project will develop and deliver creative, innovative and collaborative nontraditional services to unaccompanied youths and youths-at-risk ages 14 to 17. The project is administered jointly by the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services along with 2 stakeholders' groups composed of interested organizations and individuals organized by the departments for both sites input from the regional children's cabinets and the Governor's children's cabinet in the reports submitted by December 31, 1999 and December 31, 2000. The project is to report back to the Legislature with an evaluation including measurable outcomes and recommended implementing legislation by February 1, 2001.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER KILKELLY		

LD 2185 proposes to require the Department of Human Services to adopt rules to protect public employees from sharp object injuries. These rules would have to be at least as prescriptive as the federal Occupational Safety and Health Administration's standard. The bill also proposes to establish a fund to provide for research, development and product evaluation of needleless systems and sharp object protection.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT PARADIS		

LD 2187 proposes to implement 4 recommendations of the Interagency Task Force on Homelessness and Housing Opportunities, issued pursuant to Public Law 1997, chapter 643, Part XX, section 5. The following are the 4 recommendations proposed to be implemented by this resolve.

1. This resolve proposes to establish a study of a potential Maine runaway and homeless youth system. The study would examine, for runaway and homeless youth, community-based options, low-barrier access, assessment, treatment, family mediation and outreach services that are consistent statewide to determine what minimal level of service is required to ensure the safety and well-being of unaccompanied homeless youths. This resolve proposes to establish a 10-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposes to appropriate \$20,000 through the Maine State Housing Authority to pay for the study.
2. The resolve proposes to appropriate \$100,000 each for the Department of Corrections, Department of Human Services, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Labor and Department of Education to develop additional services and plans to serve youths who have outgrown the system. These services and plans would assist youths who are up to 21 years of age and who are leaving the care of a department to undertake job training and to pursue education and housing programs.
3. The resolve proposes to establish a study of the impact of legislative changes over the last 8 years to General Assistance. The study would assess program effectiveness, administrative practices at the local and state level, cost of delivering General Assistance, client benefits and the effect on homelessness. This resolve proposes to establish a 9-member task force to conduct the study and submit a report of its findings, together with any recommended implementing legislation to the Legislature by March 1, 2000. The resolve proposed to appropriate \$5,000 through the Department of Human Services to pay for the study.

4. The resolve proposes to increase the funding for the Temporary Housing Assistance Program from \$250,000 to \$500,000. The increase would be dedicated to serve homeless families or homeless youths staying in shelters in securing housing by providing security deposits and rental assistance. The Community Action Agencies would administer the dedicated funds.

The total amount of the appropriations contained in this resolve is \$1,025,000.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2188	Resolve, Regarding Legislative Review of Certain Sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a Major Substantive Rule of the Department of Human Services	RESOLVE 44 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2188 proposed to provide for legislative review of certain sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a major substantive rule of the Department of Human Services.

Enacted law summary

Resolve 1999, chapter 44 authorizes final adoption of the agency rules relating to certain sections of Chapter II, Section 67, Nursing Facility Services, of Chapter 101: Maine Medical Assistance Manual, a major substantive rule of the Department of Human Services, without change.

Chapter 44 was enacted as an emergency measure effective May 21, 1999.

LD 2189	Resolve, Regarding Legislative Review of Chapter 231: Rules Relating to Drinking Water, a Major Substantive Rule of the Department of Human Services	RESOLVE 43 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2189 proposed to provide for legislative review of Chapter 231: Rules Relating to Drinking Water, a major substantive rule of the Department of Human Services.

Enacted law summary

Resolve 1999, chapter 43 authorizes final adoption of Chapter 231: Rules Relating to Drinking Water, a major substantive rule of the Department of Human Services, without change.

Chapter 43 was enacted as an emergency measure effective May 20, 1999.

LD 2191

An Act to Establish the Maine Tobacco Endowment Fund Using Tobacco Settlement Funds

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AMERO CIANCHETTE	ONTP	

LD 2191 proposed to create the Maine Tobacco Endowment Fund, referred to in this summary as the "fund," into which funds from any settlement with the tobacco industry would be placed. As an endowment fund, the fund's principal could not be expended but rather only the interest that is incurred through investments. The fund would be governed by a nine-member board whose members represent or have an interest in anti-tobacco, family, child, elderly or general health issues. Proceeds for the fund would be designated to benefit three programs: The Healthy Start Program for Maine, operated by the Bureau of Health; the Partnership for a Tobacco-Free Maine, operated by the Tobacco Prevention and Control Program of the Bureau of Health and the elderly low-cost drug program. See also Public Law 1999, chapter 401, Parts U & V.

LD 2202

An Act to Improve the Effectiveness of the Driver Education and Evaluation Programs

PUBLIC 448

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DAGGETT	OTP-AM	H-403

LD 2202 proposed to amend the laws regarding the Driver Education Evaluation Programs by amending the definition of "alcohol-related or other drug-related motor vehicle incident," and amending the definition of "first offender" and "multiple offender" to include a 10-year look-back period.

It proposed to require the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services to design programs that are age-appropriate and therapeutically appropriate for clients.

It proposed to require the Office of Substance Abuse to set and adjust fees in accordance with the cost of each program.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-403) proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 448 amends the laws regarding the Driver Education Evaluation Programs.

It amends the definitions of "alcohol-related or other drug-related motor vehicle incident," and the definition of "first offender" and "multiple offender" to include a 10-year look-back period.

It requires the Office of Substance Abuse within the Department of Mental Health, Mental Retardation and Substance Abuse Services to design programs that are age-appropriate and therapeutically appropriate for clients.

It requires the Office of Substance Abuse to set and adjust fees in accordance with the cost of each program.

LD 2209 Resolve, Directing the Department of Human Services to Include ONTP
Asset Depreciation with Respect to Commercial Fishing Vessels in
Establishing Eligibility for the Cub Care Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT ETNIER	ONTP	

LD 2209 proposed to require the Department of Human Services to include asset depreciation with respect to commercial fishing vessels in establishing eligibility for the Cub Care program.

LD 2212 An Act to Revise Laws Regarding Persons with Mental Retardation CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE RAND		

LD 2212 proposes to revise and update the laws in the Maine Revised Statutes, Title 34-B dealing with persons with mental retardation or autism in order to more accurately reflect current practices and to bring the law into compliance with judicial mandates.

This bill was submitted on behalf of the Department of Mental Health, Mental Retardation and Substance Abuse Services.

This bill has been carried over to the Second Regular Session of the 119th Legislature.

LD 2215 An Act to Implement the Recommendations of the Commission on INDEF PP
Eating Disorders

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE		

LD 2215 proposed to enact provisions to implement the recommendations of the Commission on Eating Disorders. It proposed to establish an Office of Eating Disorders in the Department of Human Services, establishing an Eating Disorders Advisory Board and requiring a report from the Office of Eating Disorders by February 1, 2000 to the Joint Standing Committee on Health and Human Services on laws to regulate businesses that sell products or services promoting weight loss. This bill proposed to establish one position

within the Office of Eating Disorders of \$44,643 and \$53,427 for fiscal years 1999-00 and 2000-01 for the Department of Human Services.

LD 2220

Resolve, Regarding Legislative Review of Portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services

**RESOLVE 72
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-727 H-745 KANE

LD 2220 proposed to provide for legislative review of portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-727) proposed to approve the provisionally adopted rules of the Bureau of Elder and Adult Services with some changes. The changes would include a phased-in schedule for the inclusion of spouse's income and a phased-in schedule for application of income to consumer payment. The amendment proposed to require that the rules insert another step in the graduated contribution of consumers to the cost of their care. The amendment proposed to require the Department of Human Services to convene a working group to examine the current and provisionally adopted rules and, with regard to providers of services in the programs, administrative costs and employee wages and hours and benefits. The working group would be required to report to the Joint Standing Committee on Health and Human Services by January 5, 2000. The provisionally adopted rules would take effect February 1, 2000.

House Amendment "A" to Committee Amendment "A" (H-745) proposed to remove Legislators from the working group required to be convened by the Department of Human Services regarding programs administered by the Bureau of Elder and Adult Services. The department would be required to provide notice of all meetings of the working group to the Joint Standing Committee on Health and Human Services.

Enacted law summary

Resolve 1999, chapter 72 authorizes, with modifications, portions of Sections 61, 62, 63, 68, 69 and 73 of 10-149, Chapter 5: Bureau of Elder and Adult Services Policy Manual, a major substantive rule of the Department of Human Services.

The required changes include a phased-in schedule for the inclusion of spouse's income and a phased-in schedule for application of income to consumer payment, another step in the graduated contribution of consumers to the cost of their care and a requirement that the Department of Human Services convene a working group to examine the current and provisionally adopted rules and, with regard to providers of services in the programs, administrative costs and employee wages and hours and benefits. The department shall provide notice of all meetings of the working group to the Joint Standing Committee on Health and Human Services. The working group is required to report to the Joint Standing Committee on Health and Human Services by January 5, 2000. The approved rules are required to take effect February 1, 2000.

Chapter 72 was enacted as an emergency measure effective June 11, 1999.

LD 2230

An Act to Promote Community Mental Health Services

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS		

LD 2230 proposed to require grants made by the Department of Mental Health, Mental Retardation and Substance Abuse Services to be for the purposes of providing Medicaid services or other purposes stated in the application and contract, as budgeted. It proposed to require rulemaking to implement the provision.

LD 2242

**An Act to Protect Medicaid Recipients and Providers from
Unintended Consequences of the Noncompliance of the Department
of Human Services with Year 2000 Readiness**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN MICHAUD	ONTP MAJ OTP-AM MIN	

LD 2242 was a concept bill draft pursuant to Joint Rule 208. The bill proposed to seek to protect Medicaid recipients and providers from unintended consequences of the noncompliance of the Department of Human Services with Year 2000 readiness in the following ways.

1. It proposed to provide additional independent consultants to assist the Department of Human Services in achieving Year 2000 compliance and correct any problems caused by noncompliance.
2. It proposed to establish an interest-free loan program administered by the Finance Authority of Maine to provide temporary funding to Medicaid providers, including nonprofit providers that are prohibited from retaining reserve funds to meet their obligations, in an amount equal to payments due to those providers that are delayed due to Year 2000 problems.

SP 403

**Commission to Assess the Health Care Delivery System for the
Elderly**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

SP 403 proposes to establish the Commission to Assess the Health Care Delivery System to gather information, review programs for the elderly and review eligibility and income guidelines.

This joint order was carried over to the Second Regular Session of the 119th Legislature.

SP 612

**Task Force on Transportation Access, Air Pollution Reduction and
Family Self-sufficiency**

**DIED
BETWEEN
BODIES**

Sponsor(s)

Committee Report

Amendments Adopted

SP 612 proposed to establish the Task Force on Transportation Access, Air Pollution Reduction and Family Self-sufficiency to study the feasibility of establishing a program to remove older polluting vehicles from the roads by providing newer and less polluting used vehicles through purchase or lease.

This joint order died between bodies.

SP 644

Joint Resolution to Declare a Maine Fitness Weekend

PASSED

Sponsor(s)
HARRIMAN
AMERO

Committee Report
OTP-A

Amendments Adopted
S-331

SP 644 resolves that schools, businesses, municipalities and the media are encouraged to get involved with fitness activities, nutrition and education to promote a positive attitude toward health and fitness.

Committee Amendment "A" (S-331) proposed to change the resolve to state that schools, businesses, municipalities and the media are encouraged to become involved with fitness activities.

Passed joint order summary

The joint resolution, as amended, resolves that schools, businesses, municipalities and the media are encouraged to get involved with fitness activities, nutrition and education to promote a positive attitude toward health and fitness.